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*Thursday, April 23, 1987*

Senate met at 1:00 p.m.

Senator Dupont in the chair.

A quorum was present.

Prayer was offered by the Reverend Dr. Vincent Fischer, Senate Chaplain.

Let Us Pray. Almighty Father, look down upon us as we strive to do Your will! We have fallen short many times - in working for and towards our own interests instead of those of the many! Help us to understand the real needs - and then we shall be doing not our will but Thine!

Amen.

Senator Delahunty led the Pledge of Allegiance.

## INTRODUCTION OF GUESTS

### COMMITTEE REPORTS

HB 250-FN-A, Making an appropriation to the Conway village fire district authorizing the Conway village fire district to issue bonds, and relative to funding waste water treatment systems. Ought to Pass. Senator White for the Committee.

SENATOR WHITE: We heard the bill. We had it alluded to during the first part of the session when we had SB 212 in. It was the unanimous report seven to nothing from the committee. Basically, what it does is, it allows an appropriation for the Conway village fire district to authorize them to issue bonds and to be paid back by general fund dollars. This was a project that was started prior to 1973 and the majority of the project has been completed in good faith. There is a criteria set out in the statement of policy on pages one and two of the bill. We had the people over from water supply or the new agency and they said that no other town in the State would qualify under that criteria. Therefore, what we have done is, authorize the sum of \$960,000, which would have been the federal portion, before the federal government cut back on their funding. We felt that if the bill were amended it would just become a football and we felt that it was a needed piece of legislation for the fire district in Conway. We urge your support of ought to pass.

SENATOR BARTLETT: Senator White, is this \$960,000 going to come out of general funds?

SENATOR WHITE: Yes it is.

SENATOR PRESTON: I would like to speak in strong support of this. The three lobbyists sitting on the sofa on the right hand side on my right have convinced me that it is a good bill.

Adopted. Ordered to Third Reading.

HB 503, Relative to regulation of existing weirs. Ought to Pass with Amendment. Senator Hounsell for the Committee.

SENATOR HOUNSELL: The committee heard this bill that would expressly authorize the continued operation of the existed fishing weirs on the Lamprey River. I don't know how many of you have been following this ongoing discussion between Mr. Collins, who operates the only fishing weir on the Lamprey River, and the Fish and Game, but it's taking some interesting avenues. Of late, it appeared before the Joint Administrative Rules committee, of which I'm a member and I can tell you that it was one of only twice that the administrative rules certified an objection. The other time was to the snack tax. So, there's a bit of history here that I think is important to this bill. It was expressed by the members on the administrative rules committee and it is my feeling and the feeling of the House and now the feeling of the Senate committee that this rule that was initiated by Fish and Game was not in line with the intent of the legislation. The intent of the legislation was to allow the grandfathering of existing fishing weirs. This clarifies it. The amendment that appears on page 17 merely changes what appears in the bill as on page 2 of the bill the word tight to gill, which better defines a gill net instead of tight net. That's the only amendment that appears in the calendar.

The testimony that we had in committee strongly favored the ongoing operation. The department was unable to prove that there was any harm done to the resource. In fact, when asked time and time again to express the amount of impact, one official after another could not do so. It is therefor the feeling that this rule that was initiated from Fish and Game, was indeed a harassment by a bureaucracy upon a citizen and we strongly support this report. The vote was unanimous and we urge the Senate to pass it at this time as a strong message to the department that they should follow the legislative intent that is expressly spelled out.



SENATOR HEATH: Senator Hounsell, isn't it true that the legislature has twice enacted legislation instructing the department to leave this poor man alone?

SENATOR HOUNSELL: It has. It has done that twice through legislation. It has done so in such a way it appears that the Fish and Game Department and the commission hasn't been able to understand what we mean. We even, through the legislative process and administrative rules process, tried to convey to them the legislative intent. They don't seem to be listening. I believe that this bill clearly states that they are to leave this gentlemen and his operation alone.

SENATOR HEATH: Senator Hounsell, do you think that if they don't get the message this time, we might have to do something a little stronger that they could understand?

SENATOR HOUNSELL: I believe that they'll get the message with this bill and if they don't, I would look for a way to probably send a stronger message, but I think this is strong enough.

SENATOR WHITE: Senator Hounsell, you have prepared a constitutional amendment. I don't know where that is in regards to the joint rules. Do you think we'd have to go that far to give them the message?

SENATOR HOUNSELL: I think that the House, at this time, is voting on that. It has the unanimous report of the House committee on CACR 21. It's interesting, if we had that provision in here we would not have had to go this route. I think that it's unfortunate that any agency has to get as many messages that they have from the legislature, would be stubborn as the Fish and Game Department has been. I use that as indication that the people of this state should support CACR 21.

SENATOR WHITE: Would you believe, in the light of the support of the Senate in regards to Fish and Game, that this is very strange that they don't listen to us?

SENATOR HEATH: I find it strange that they haven't listened to us.

#### AMENDMENT TO HB 503

Amend RSA 211:48-b, III(a) as inserted by section 1 of the bill by replacing it with the following:

(a) No person shall set or arrange a weir at any time to an extent greater than from one shoreline to the thread of the stream, nor shall any person set or use any gill net greater than 100 feet in total length from one shoreline outward to the thread of the stream. Such nets shall be stationary, pulled tight and straight and shall remain in a fixed position and the permittee shall be in attendance at all times.

Amendment Adopted. Ordered to Third Reading.

HB 408-FN, Relative to establishing a uniform fine schedule for boating violations. Ought to Pass. Senator St. Jean for the Committee.

SENATOR ST. JEAN: HB 408-FN requires the director of safety services to recommend the uniform fine schedule for boating violations, which includes individuals being able to plead through the mail on their guilt or innocence on various violations on our state waters. Everyone that appeared before the committee spoke in favor of it, including Bob Danos, the Director of Safety Services.

Adopted. Ordered to Third Reading.

### INTRODUCTION OF GUESTS

SENATOR PRESSLY: The New Hampshire Extension Homemakers Council is a volunteer education organization with a focus on family and community concerns. Sixty-five members are here today to educate themselves on the operation of their State Government. The Governor has proclaimed May 3rd through the 9th, Extension Homemakers Week to emphasize the importance of the homemaker's role in strengthening the family. The Extension Homemakers Group throughout the State, are available to anyone interested in their education programs. In the balcony with us today is the current president of the council, the treasurer and the past president.

### COMMITTEE REPORTS

HB 184, Relative to docking on public waters of the state. Ought to Pass. Senator Freese for the Committee.

SENATOR FREESE: HB 184 is the result of a joint House and Senate study committee on docks, of which I was a member. At the present time, all construction of commercial docks of ten or more must go to the Governor and Council for approval. When the Governor and Council approves, it does so in perpetuity. It is a grant in

right forever. The proposed legislation changes all that, grant in right, to a permit basis in keeping with the rules of the Wetlands Board for boat slips.

The real impact of the bill is on the third page, section 2 where the Wetlands Board shall submit to the Governor and Council all requests for permits approved by the board, which meet the definition of major projects located in great ponds or public owned waters, under the rules of the Wetlands Board, which have been approved by the board as complying with the requirements of the rules. The Governor and Council shall consider the request for the permit, transmitted by the board. The Council may approve as transmitted or deny the subject request. Following actions by the Governor and Council, the request shall be returned to the board for permitting if approved or the filing is denied. There was no opposition to this proposed legislation at the hearing and we recommend that you support the committee report.

SENATOR NELSON: I am just interested, now that you are going to have the Wetlands Board submitting this to the Governor and Council for permits, does that change the time limit that it will take to get that permit?

SENATOR FREESE: No, it has nothing to do with the time limit, Senator Nelson. Everything over ten docks, at the present time, goes to the Governor and Council. What it does do is change the grant in right that the Governor and Council had asked to the person filling out the application or making application. What we're trying to do is have it just a permit as all the other docks that are approved by the Wetlands Board.

SENATOR NELSON: Senator, I was wondering why you wouldn't have the Wetlands Board grant the permit instead of going to the Governor and Council?

SENATOR FREESE: That's what the bill does. By law it goes to the Governor and Council for all commercial docks which are ten or more. It's a permit and it goes back to the Wet Lands Board for processing.

SENATOR HOUNSELL: I rise in support of this bill. There was no opposition at the hearing. I just wanted to state that Marjory Swapole, who represents the New Hampshire Conservation Commission, indicated that she has sat on the board since 1982 and has sat in on every meeting of the Wetlands Board as part of her duty. She said

this bill is very needed and for those of you who know her, knows that she understands these issues. I count her influence and her opinion as highly regarded and I feel that this is an important piece of legislation at this time.

SENATOR BOND: I'd just like to add as a member of that task force that we feel that this keeps the public in public waters. That it removes the growing tendency to assume as private property part of what is the public domain.

Adopted. Ordered to Third Reading.

HB 24, To extend the deadline for the joint committee on recodification of the water laws to submit its report to the General Court. Ought to Pass with Amendment. Senator Hounsell for the Committee.

SENATOR HOUNSELL: This bill was originally brought before the Senate and then recommitted for the purpose of adding an amendment that appears in your calendar on page eight. Before I talk to the amendment I want to talk to the bill that originally was introduced.

It gives the joint committee that has been established last session on recodification of water laws an additional year to complete its task. I want to report to you that that's a very, very important task that we're undertaking. We have been fortunate enough to have Senator Bartlett and the Speaker of the House Scammon appoint and provide to us a full-time lawyer to help us go through some 137 water related bills. We also have to go through various rules. It's a major undertaking that I think will become a very important issue in the next session. We need this extra year to really do a good job so we ask you to support HB 24 for that reason.

Now, on to the amendments. I'm going to talk to the first amendment and state that what this amendment does is, it changes reference from division or director of water resources to water resources council. Essentially, this is a reversal of changes made by the 1986 House bill 430 whereby many of the former powers of the old water resources board were taken away and given to the division of water resources and the new department. This bill would restore those powers to the water resources council, chaired by the director of the water resources, Del Downing. This would give the water resources council powers independent of the commissioner of environmental services. More specifically, the water resource council would control

all of the projects in the chapter, listed in new bills section 8, which are many dam projects in the state. The council, instead of the division, would have power to acquire property, to construct and operate projects for the conservation, distribution of water, regulation of stream flow and the development of hydro-energy projects, to borrow and issue bonds, money to issue bonds and accept federal funds. The law as currently written, enforced does not; it does need some change, especially given that it's probably not good policy to authorize the division within the department to float bonds or to acquire property. This amendment, I think, what it does is, it helps the department of environmental services adjust to its new roles. I think it's major legislation, major changes in this area and I point that out for your attention at this time. At the bottom of page nine, there's an appropriation of the sum of \$27,400 is hereby appropriated for the fiscal year, end of June, for the department of environmental services for the purpose of the lump sum grant to the north east rural water association to enable its purchase of equipment, increase internal funds and to provide technical assistance in training rural water systems. The Governor is authorized to draw from his warrant. This is an amendment that was presented to us. We think it has merits but we're hoping that under Rule 24 that this would be referred to Finance because of the grant. I don't do this to burden Finance with further work, but it is a grant and I think you ought to be taking a look at that in that committee. We do endorse that policy. The states of Massachusetts and Vermont are joining in this north east water association in a similar fashion and it would help some of the smaller towns and communities to have assistance and equipment. I'll be happy to answer any questions on this bill.

SENATOR BARTLETT: Senator Hounsell, was it the intention of your committee, if you are aware of the sentiment of the committee where this is rather extensive, repeals that under Rule 24 if this does go to Senate Finance and Finance would have a hearing on the entire amendment?

SENATOR HOUNSELL: I would hope that they could, Senator Bartlett, because there are a lot of questions on this. Because of the time frame, I personally as chairman of the committee and I'm sure that members of my committee would, be interested in some of those answers that have come up since we've acted on it.

SENATOR JOHNSON: Senator Bartlett has asked part of the question that I have in mind, but is it fair to characterize this as a major amendment to a rather minor piece of legislation?



SENATOR HOUNSELL: I think that would be a proper characterization.

SENATOR JOHNSON: Does this amendment substantially gain the powers and the responsibilities of the commissioner of environmental services?

SENATOR HOUNSELL: Not directly, only in that they give back to the water resources director powers that he had before the department so there might be a loss of certain of power.

SENATOR JOHNSON: Isn't it fair to say, then, that we're really going back to the situation that obtained prior to the passage of HB 430 in regards to this amendment?

SENATOR HOUNSELL: We are, sir.

SENATOR MCLANE: Senator Hounsell, I'm interested in the power of this division to hold property. Is there any change in that?

SENATOR HOUNSELL: Right now, the division has the power to acquire property. If we adopt this, the council would have the power. The council is reversing back to what was in place prior to the enactment of HB 430 of the environmental services act. I do not have enough background information to answer all of the executive changes that were taken in that act. I do, however, know enough about what is before us to tell you that we are doing away with some of what was done in HB 430.

SENATOR MCLANE: Can you tell me why sections one through ten take effect upon passage? I mean it really seems a rather major step to be taking over night.

SENATOR HOUNSELL: I would agree, I wouldn't have any problem if there was a further amendment to extend that to July first or whatever. If you recall that was done in committee, Senator McLane, and I have high praise for the work of my committee. If we missed that one, I apologize, only because we missed it, not because we ignored it.

SENATOR MCLANE: I apologize because I missed the meeting of the committee in which this was done. Did this amendment come from Del Downing himself?

SENATOR HOUNSELL: Yes.



SENATOR FREESE: Senator Hounsell, I don't recall the amendment being introduced and it's quite possible that this was one of the sessions that I missed. I don't recall being present during the executive session. I was there and did vote.

SENATOR HOUNSELL: Yes, but I would like to answer that by saying this; we had a long day and this vote came at a point in time where we were relying on a lot of information at face value, after having 48 bills, I can understand why any one of us might forget an executive vote.

SENATOR FREESE: I guess I was concentrating on the body of the bill and not the amendment.

SENATOR HOUNSELL: I would have to say that, at this time, I do support the committee's report, but I think that it is most proper for any Senator at this time to express any question that they may have. Whether they're on that committee or not, because I, too, have questions now.

SENATOR FREESE: I guess I'm wondering why this amendment came to us so late. Do you know why it wasn't formed in a bill earlier, so that it could have had more exposure?

SENATOR HOUNSELL: No, I don't know that.

SENATOR FREESE: Are you aware that I was on the implementation committee for this legislation and that I don't recall any problems with the implementation of any question by the water resources board with regards to this concern. I guess I'm a little bewildered and that was why I was questioning why the department didn't get it in earlier.

SENATOR HOUNSELL: I think that what we have is the ongoing attention that we have our attention drawn to laws and changes and that they can happen at any time. I would point out that this bill was recommitted for the purpose of taking testimony in a public hearing and it was announced in the calendar that there would be a public hearing. At the time of the public hearing, Director Downing was available. We did have testimony, since that time there have been further questions.

SENATOR NELSON: Senator Hounsell, I would ask you why it would be necessary to have an amendment to bring this in, when in fact, we are studying the recodification of the water laws. When

looking all of this over, wouldn't it be appropriate to look at it at that time, rather than pulling this amendment in now?

SENATOR HOUNSELL: I think there's validity to that argument. I would like to also state that, I have historically supported or didn't support HB 430. I didn't support and I don't support the creation of these types of agencies. I can support the theory behind this amendment.

SENATOR NELSON: No, I'm just asking you, if, in fact, we're looking at all the water laws in the State, not anything in the merits of it. It may have merit, but in that situation don't you think it's a better place to study all of these amendments there? That's all I'm asking?

SENATOR HOUNSELL: Yes, I think that's a valid point.

SENATOR PODLES: Senator Hounsell, this piece of legislation has a lot of serious questions. Would you have any objections if it was re-referred to committee and you would have a chance to study it for six more months and then bring it out?

SENATOR HOUNSELL: Under my understanding of the joint rules, we have that objection.

CHAIR: Senator, I would like to just come in at this point in time. This bill was brought to the Senate before the cut off which was February 12th and it would not be allowed to be re-referred under the joint rules.

SENATOR PODLES: Thank you.

SENATOR BLAISDELL: I would hope that the Senators would listen to this, please. The Senate Finance committee has been working very hard in the last few days with the subcommittees. We worked very late last evening and we're going to be working all day today and tomorrow in order to get this budget out by next Wednesday night or next Thursday morning to the printers. I'll be very happy if this Senate says that you want this to come to Finance and have a hearing. I'll be glad to do it. If I get tied up with a lot more bills coming in with that committee, the first Senator that says something to me that the budget is not on their desk or in their home next Saturday morning, a week from this Saturday, I want them to remember what you're doing to us. We have just so much time to work. You can laugh, Senator Heath, if you want. You're sitting over on one committee and I've got a few others. If you want

a budget, I've got Senators that are telling me that they want the budget in their possession on Saturday. You'll get it on Saturday. But if you burden us down with much more, I don't have much time to do it. I want you to know that.

SENATOR PRESTON: Respectfully, I'd like to urge members of the Senate just to allow this to go down to Finance, so that Mr. Downing could address any concerns that have been raised by the Senators. If he can't, you can bring it back on the floor and kill the bill. I understand that it's a matter of grave importance and I'd like to address that. I have full confidence in the director when he makes such a request.

SENATOR JOHNSON: Senator Preston, did Commissioner Howard participate in the discussion or the hearing on this amendment?

SENATOR PRESTON: As I recall, the Senators were in and out, Senator Johnson, and I don't recall that he did, no. Mr. Downing was there and there was a representative that was present from the attorney general's office, whom I did not hear, that was going to speak to address the concerns and they sat in that committee hearing for maybe three hours, waiting to address the committee.

SENATOR JOHNSON: Wouldn't it be appropriate for this body to know the position of the new commissioner in regard to a major change in authority within his department? Shouldn't we know that before we vote in favor of an amendment like this?

SENATOR PRESTON: If it's going to be referred to the other committee, so that they could just address the concerns of the Senators, that's the purpose of my doing it Senator. Not putting it off for six months if there is an emergency.

SENATOR JOHNSON: Realistically though, are we really going to have an opportunity to do that at this stage of the game, in view of Senator Blaisdell's comments?

SENATOR PRESTON: I can assure you that it will be done and the Senators have assured me that we will hear from the people that have requested this amendment, to talk with the Senators about their concerns. If they still have those concerns next week, Senator, we can kill the bill.

Senator Hounsell moved to recommit to committee.

SENATOR HOUNSELL: I listened to what Senator Blaisdell said and I do appreciate the work load he has. This is a policy bill that has been assigned to our Development, Recreation and Environment Committee. I wouldn't be able to say that I didn't feel somewhat derelict in my duty if I didn't urge the support of this motion. We'd like to hold another hearing on this one. I think it's important enough. We'll schedule it, invite all concerned parties to speak and then we'll come back.

SENATOR WHITE: I rise in opposition to the pending motion before you of recommit. Senator McLane has asked if we defeat the amendment, can it be brought back in the next year. I think that's where it belongs. Then next year session, we are in annual sessions to take care of things. So, I rise in opposition of the pending motion of recommit because to schedule a hearing, it has to get in the calendar and get out. If you're going to put money on it, Finance won't have a chance to look at the money when they're dealing with the budget. I think it's something that has come in late in the session and it's something that should be brought up next year, so I am opposed to the pending motion and opposed to the amendment.

Adopted.

HB 220-FN, Relative to the removal of petroleum powered vehicles from surface waters of the state. Ought to Pass with Amendment. Senator Freese for the Committee.

SENATOR FREESE: This bill, HB 220-FN, requires the owner of any petroleum powered vehicle, which is submerged in the surface of waters of the state, to remove the vehicle promptly. If the owner fails to remove the vehicle, the state may contract for the removal of the vehicle in question at the expense of the owner. This is a request by the division of the water supply and pollution control commission. It was promulgated because of the many vehicles on the lakes and ponds of the State that fall through the ice in the winter and are just left there to contaminate the waters and get rusty. Not very many of them are retrieved. There was no objection to this bill at the hearing.

The amendment is on page 14 and it just clears up the part of the bill under F. Any person responsible for violation of subparagraph shall be guilty of a violation, period. We hope you will support the committee report.

SENATOR MCLANE: Senator Freese, do think that perhaps if a 300 pound man was water skiing barefoot, that that might cause the boat to sink and this is why we're passing this law?

SENATOR FREESE: No, I don't think it has anything to do with that Senator.

SENATOR DISNARD: Senator Freese, if I had a vehicle three years ago that submerged through negligence on my part, would that vehicle be involved or is it just vehicles submerging from now on?

SENATOR FREESE: You posed a question that I can't rightfully answer. I'm going to give you an opinion, but it's just an opinion, that this bill would be effective from now on and it wouldn't apply to the past. I cannot vouch for that. I think that is the intent.

SENATOR DISNARD: I just want to make sure that we have a grandfathering in there, and if not, than it's understood.

SENATOR FREESE: I'm not a lawyer and I don't know whether we overlooked this in writing the legislation. It wasn't brought up at the hearing, but it does say under roman numeral seven, between two and three A, the lawful owner of any petroleum powered vehicle that becomes partially or completely submerged and that would seem to me to mean from now on.

SENATOR JOHNSON: Senator Freese, are automobiles and or trucks the primary cause of the problem that's being addressed here?

SENATOR FREESE: Yes they are.

SENATOR JOHNSON: Is there any reasonable justification to permit automobiles or trucks on the ice.

SENATOR FREESE: Perhaps on the smaller ponds and lakes, as much as on the larger bodies of water; but I know that on the larger bodies of water, there's a lot of ice fishing in the winter and they have these bob houses that they take out and usually they are taken out by a vehicle. At least that's my impression, not being an ice fisherman. I think most of the vehicles that are on the ice are on the ice for the sport of ice fishing.

SENATOR JOHNSON: Are those the vehicles, those that are falling through the ice?



SENATOR FREESE: Well, I would think it would pertain to any vehicle, Senator Johnson. I can't say that they are the only vehicles, no. Some times people drive on the ice for pleasure.

#### AMENDMENT TO HB 220-FN

Amend RSA 149:8, VII (f) as inserted by section 1 of the bill by replacing it with the following:

(f) Any person responsible for a violation of subparagraph (a) shall be guilty of a violation.

Amendment Adopted. Ordered to Third Reading.

HB 124-FN, Relative to sunset review of the real estate commission. Ought to Pass with Amendment. Senator Pressly for the Committee.

SENATOR PRESSLY: The Executive Departments committee respectfully requests that this bill, at this time, be recommitted. It has been noted that there was an error in the presentation of the amendment and we would like to have the opportunity to rewrite it, in the manner in which it was intended and present it to you at the next session.

Adopted.

HB 156-FN, Relative to sunset review of nurses registration board. Ought to Pass with Amendment. Senator Freese for the Committee.

SENATOR FREESE: This bill renews the nurses registration board for six years. The board shall function under the director of the division of public health services. Prior to this, at the present time, it's under the commissioner of education. The board shall adopt rules after receiving assurance from the director of health services, the proposed rules inform and are not in conflict with other statutes.

The amendment to the bill is on page 10. What that does in essence, it amends and grants a temporary licensure not to exceed 120 days to certain applicants and establishes qualifications for licensure by endorsement. The bill as amended also adds new rulemaking authority. The reason for this amendment is that there is a shortage of nurses in the hospitals and in the nursing homes. This will allow a nurse to move into the state and immediately take a job without



waiting for the papers and so forth to be processed. It gives the administration six months to process those papers. We feel it may relieve the shortage of nurses or at least help bring relief to the problem that we're facing. We hope that you'll support the committee report.

SENATOR JOHNSON: Senator Freese, on page 10 of the amendment, roman IIA, in regards to the Canadian nurses, where it says, have graduated from an approved nursing education program in Canada. Can you tell me what your understanding of an approved nursing education program would be?

SENATOR FREESE: This is an opinion and not a confirmed answer or an authorized answer, but I believe that it's an equivalent qualification compared with a qualified nurse that might graduate from the same type of school or college of nursing in New Hampshire. If they're practicing as a registered nurse in the country of Canada, I believe it's a parallel situation that qualifies them to practice here in the State.

SENATOR JOHNSON: Would approved nursing education program be the equivalent of an accredited nursing program education?

SENATOR FREESE: I would say that the answer to that would be yes.

SENATOR JOHNSON: So, this amendment then, in talking about an approved nursing education program, can also be read as one that is an accredited nursing program in Canada.

SENATOR FREESE: Yes sir.

SENATOR NELSON: Senator Freese, I take it this is the first time we're allowing nurses from another country to practice and putting it into law in this statute?

SENATOR FREESE: As far as I know, yes.

SENATOR NELSON: It is within the realm of possibility that we could come back in and put other countries in here next?

SENATOR FREESE: Well, I don't think that would be practical. We could, but I think because Canada is almost like another State, it borders on the United States across the northern border and there's a lot of interfacing with Canada in the medical field. They have a very well known medical thought there and they are well known for their nursing abilities.

SENATOR NELSON: Why is it necessary to put the Canadian nurses program in the law. Is it not possible to just hire people from Canada in the state? What was the testimony that required us to build this into the law?

SENATOR FREESE: It was an amendment that we were asked to consider on this bill because it related to the reestablishment of the nurses board. Now, I believe that there are nurses that would like to come down here and practice. This allows them to come into the state and not wait six months to be accredited in this country because it takes a long time for the paper work to catch up with them. We have a real shortage and it's being done to help the shortage of nurses that we have in this country.

#### AMENDMENT TO HB 156-FN

Amend the bill by replacing section 9 with the following:

9 License By Endorsement. RSA 326-B:7 is repealed and reenacted to read as follows:

326-B:7 Qualifications for License by Endorsement.

I. An applicant for license by endorsement to practice as a registered nurse or licensed practical nurse shall:

(a) Submit written application on a form supplied by the board of nursing.

(b) Have committed no acts which are grounds for disciplinary action as described in this chapter.

(c) Submit proof of licensure by examination in another jurisdiction acceptable to the board, provided that the other jurisdiction requires qualifications of its licensees which are substantially equal to or greater than those of this state.

(d) Have been active in the practice of nursing within a period of 4 years from the date of application or submit evidence of completion of a refresher course or re-entry program acceptable to the board.

(e) Submit the required license application fee.

II. Canadian nurses, in addition to the other requirements of this section, shall:

(a) Have graduated from an approved nursing education program in Canada.

(b) Have written the English version of the National League for Nursing Board Test Pool Examination in Canada between the years 1939 and 1970 or the English version of the Canadian Nurses' Association Testing Service 5-part Examination between the years 1970

and 1980 and received a minimum passing score of 350 in each of the following areas: medical nursing, surgical nursing, pediatric nursing, maternity nursing, and psychiatric nursing; or have written the English version of the Canadian Nurses' Association Testing Service Comprehensive Examination since the year 1980, and received a minimum passing score of 400, and

(c) Have been duly licensed by the province in which the examination was taken.

10 Temporary Licensure. RSA 326-B:9 is repealed and reenacted to read as follows:

326-B:9 Temporary Licensure. Temporary licensure, not to exceed 180 days, shall be granted to:

I. Graduates of approved programs from time of graduation until scores of the designated licensing exam are received and a license is issued. Applicants shall be restricted to practice under the supervision of a registered nurse.

II. Applicants for license by endorsement upon presentation of confirmation of licensure from another state.

III. Nurses inactive for 4 years who are enrolled in a re-entry program upon confirmation of most recent licensure. Applicants shall be restricted to practice under the supervision of a registered nurse.

IV. Graduates of foreign schools who have passed CGFNS and have made application to take the designated licensing exam, until examination scores are received and a license is issued. Applicants shall be restricted to practice under the supervision of a registered nurse.

V. Graduates of Canadian nursing schools who can show proof of graduation from the appropriate Canadian jurisdiction and proof of having written the English version of the Canadian Nurses' Association Testing Service Comprehensive Examination.

11 Effective Date. This act shall take effect July 1, 1987.

Amendment Adopted. Ordered to Third Reading.

HB 168-FN, Relative to sunset of joint board of engineers, architects and land surveyors. Ought to Pass with Amendment. Senator Bartlett for the Committee.

SENATOR BARTLETT: This is a sunset bill for the board of engineers, architects and land surveyors. The amendment is on page 14.

It adds one exemption to those small buildings that were previously exempted under the law. The committee urges the adoption of the amendment and the bill.

Amendment to HB 168-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to sunset review of joint board of engineers,  
architects and land surveyors, and relative to  
exemption from regulation of the design,  
construction and alteration of  
certain small structures.

Amend the bill by replacing all after the enacting clause with the following:

1 Sunset; Joint Board of Engineers, Architects and Land Surveyors Renewed. Joint board of engineers, architects and land surveyors is hereby renewed to comply with RSA 17-G. The agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

2 New Paragraph; Small Buildings; Occupancy Limit. Amend RSA 310-A:52, II to read as follows:

II. The alteration of an existing building not involving structural changes; [or]

III. The practice of architecture by officers and employees of the United States while engaged within the state in the practice of architecture for the federal government[.]; or

IV. The preparation of drawings and specifications for and the supervision of the construction or alteration of any structure of 2 1/2 stories or less for occupancy by 50 or fewer persons.

3 Effect of Later Enactments. Passage of this act renewing joint board of engineers, architects and land surveyors shall not limit any subsequent legislative action affecting this agency or program. The general court shall retain its full power to make amendments to or to terminate joint board of engineers, architects and land surveyors, pursuant to RSA 17-G:9.

4 Effective Date.

I. Sections 1 and 3 of this act shall take effect upon its passage.

II. Section 2 of this act shall take effect 60 days after its passage.

Amendment Adopted. Ordered to Third Reading.

### SUSPENSION OF THE RULES

Senator Preston moved that the rules be suspended to put HB 503 on Third Reading and Final Passage at the present time.

SENATOR PRESTON: HB 503 had to do with the committee report on the fishing of the weirs and so forth in the Lamprey River and it's been requested by the sponsors in the House that if we could act upon it at this time because these particular individuals are not allowed to make a living until this bill passes. The river is closed, so if we act upon this now in third reading and message it to the House I understand that they can concur and quickly pass this bill.

Adopted.

### Third Reading and Final Passage

HB 503, Relative to regulation of existing weirs.

Adopted.

### COMMITTEE REPORTS

HB 292-FN, Permitting permanent policemen who serve as field representatives for the police standards and training council and permanent firemen who serve with the fire standards and training commission to continue as group II members of the New Hampshire retirement system. Ought to Pass with Amendment. Senator Disnard for the Committee.

SENATOR DISNARD: I know time is passing very slowly. This is a very simple bill. It was requested by Director Sweeney. He needs this bill in order to employ competent, right able administrators, people to work as trainers in this police academy, training council. He is hampered; he has to have the best. I wish to call your attention to the amendment on page 15. It only changes the word vested to five years. In other words, if this is approved, permanent policemen, with five years of experience, would be allowed to work at the fire training and police academy. It's a worthwhile bill. It would help someone move up in their career. After someone's been there ten or more years in the police department, if they have to move up perhaps they're not as strong. They can't climb as many ropes in other areas. It was unanimous decision and we hope you'll pass this bill.



## Amendment to HB 292-FN

Amend the title of the bill by replacing it with the following:

## AN ACT

permitting certain group II members who serve with the police standards and training council or with the fire standards and training commission to continue as group II members of the New Hampshire retirement system.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Group II Members. Amend RSA 100-A:3 by inserting after paragraph VIII the following new paragraph:

IX. Any group II member in service who has at least 5 years creditable service as a group II member and who accepts a full-time position with the police standards and training council or with the fire standards and training commission in a training capacity shall continue to be a group II member of the retirement system during service in such position, provided that certification as a police officer or correctional officer by the police standards and training council or as a firefighter by the fire standards and training commission shall be a job requirement for such position.

Amendment Adopted. Ordered to Third Reading.

HB 364-FN-A, Establishing an air toxics control program within the division of air resources, department of environmental services, and making an appropriation therefor. Ought to Pass with Amendment. Senator Freese for the Committee.

SENATOR FREESE: HB 364-FN-A is a bill that was requested by the division of air resources, department of environmental services. The bill establishes an air toxic control program within the division of air resources. This program allows the division of air resources to develop guidelines and programs designed to reduce risks from exposure of toxic chemicals by controlling the release of the toxic chemicals into the air. The department of environmental services is authorized to establish the following additional permanent position in the division of air resources; #1 air pollution control engineer; #2, It makes an appropriation therefore of \$66,150 for fiscal year 1988 and \$55,196 for fiscal year 1989.



The amendment is on page 15 near the bottom of the page. What the amendment does is tailors the bill for the State of New Hampshire. It reads, "toxic air pollutant, means air contaminants designated by the commissioner of the department of environmental services from the organic compounds and metals listed by the United States Environmental Protection Agency in the Code of Federal Regulations." There were no objections to this bill. It was unanimously voted by the committee and we hope you support the committee report.

#### Amendment to HB 364-FN-A

Amend RSA 125-I:2, III, as inserted by section 1 of the bill by replacing it with the following:

III. "Toxic air pollutant" means air contaminants designated by the commissioner of the department of environmental services from the organic compounds and metals listed by the United States Environmental Protection Agency in the Code of Federal Regulations, Title 40, Part 261, Subparts C and D and Table 4 of 450/5-86-011a and subsequent updates.

Amendment Adopted. Referred to Finance under Rule 24.

HB 633-FN, Relative to unlicensed funeral home employees and funeral home inspections. Ought to Pass with Amendment. Senator Stephen for the Committee.

SENATOR STEPHEN: This renews the funeral directors board. It allows them a per diem of \$30 per day. This amount is the same as the amount in other states. When they send someone to pick up a body they need to have some way of regulating them, so that the proper people can be provided with some sort of identification that people in other states will recognize. The second part of this bill deals with inspection of funeral homes, in order to allow them to inspect funeral homes, if they have a just cause.

The amendment of this bill was suggested by the Attorney General. It would appear that they have been charging \$25 per inspection. The Attorney General said that they had no authority to do this. So we have amended the bill to allow them to do so. In other words, we are putting in the RSA to take care of the practice that they have been already doing. The committee recommends ought to pass with amendment.

#### Amendment to HB 633-FN

Amend the bill by replacing all after section 1 with the following:

2 Fees; Funeral Home Inspections. Amend RSA 325:12-a to read as follows:

325:12-a Fees. The board shall establish fees for examination of applicants, for licenses and for renewal of licenses to practice under this chapter, for funeral home inspections, and for transcribing and transferring records and other services. The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year.

3 Funeral Home Inspections; Frequency; Cause. Amend RSA 325:17 to read as follows:

325:17 Inspection. The board may inspect all places where funeral directing is conducted or where embalming is practiced[, provided that no]. No such place shall be inspected more frequently than twice yearly, unless the board shall find that just cause or evidence of repeated complaints exists.

4 Effective Date. This act shall take effect 60 days after its passage.

Amendment Adopted. Ordered to Third Reading.

HB 114-FN, Relative to sunset review of dental board and relative to continuing education and confidentiality of certain hearings by the dental board. Ought to Pass. Senator Disnard for the Committee.

SENATOR DISNARD: This is a simple sunset review bill. However, I think you should notice the amended analysis. It now allows for the dental board to determine what the continued education courses will be. This certainly sounds realistic. It also addresses the confidentiality of open hearings, which as I understand, brings us in compliance with other type boards and committees within the State. Two changes: continued education by the board to be established and bring in the hearings in conformity with other boards within the State.

Adopted. Ordered to Third Reading.

HB 101-FN, Relative to sunset review of the joint legislative committee on review of agencies and programs and relative to the Legislative program review process. Inexpedient to Legislate. Senator Bartlett for the Committee.

SENATOR BARTLETT: HB 101-FN relative to sunset review of the joint legislative committee. This has been before this body on several occasions. It feels that sunset has done its work and that we have passed over to the House a bill, SB 192-FN, which would allow both the financial auditing and the policy auditing. We assume that the House will pass that piece of legislation because it does continue the review and also combines good financial auditing. We urge the adoption of the committee report.

Adopted.

HB 102-FN, Relative to sunset review of the office of legislative services. Ought to Pass. Senator Bartlett for the Committee.

SENATOR BARTLETT: This again is a sunset bill to renew the office of legislative services. The sunset report is ought to pass as presented by the House.

Adopted. Ordered to Third Reading.

HB 120-FN, Relative to sunset review of the plumbers board. Ought to Pass. Senator Stephen for the Committee.

SENATOR STEPHEN: This reviews the plumbers board and it allows them a per diem of \$30 per day. This amount is the same that the electricians receive. All boards generate their own revenues. This board just has to keep up their license fee if they need, so the committee has recommended it ought to pass.

Adopted. Ordered to Third Reading.

HB 442, Extending certain temporary rulemaking authority of the commissioner of labor. Ought to Pass. Senator Disnard for the Committee.

SENATOR DISNARD: This bill only extends indefinitely the rule-making authority of the commissioner of labor, the implementation of RSA 277. Specifically, last year of the last session, the legislature approved OSHA for public employees on trial basis, a temporary extension and it has worked. Now, we are convinced that the authority should be granted to the commissioner of labor indefinite rule-making authority similar to other agencies.

Adopted. Ordered to Third Reading.

HB 135-FN, Relative to sunset review of the public utilities commission - administration and support. Ought to Pass. Senator Freese for the Committee.

SENATOR FREESE: This bill renews the public utilities commission, administrative and support for six years. The office of consumer advocate shall be an independent agency, administratively attached to the public utilities commission. The consumer advocate will be appointed by the attorney general and the assistant consumer advocate will also be appointed by the attorney general. It authorizes a secretary and two additional staff people. Under assessment it shall be calculated by using the gross utility revenue of all utilities allocated in the expenses of the commission to each utility in direct proportion as revenues relate to the total utility revenues as a whole. Each such expense allocation shall be assessed against each public utility in an equal amount to its proportionate share. A minimum fee shall be assessed to the utilities having minimal revenues in such proportion as the public utility commission shall determine to be fair and equitable.

The funding for the administrative expenses for the office of consumer advocate shall be a charge against the utility assessment. The bill will take effect upon passage and we hope you will support the committee recommendation.

Adopted. Ordered to Third Reading.

HB 391, Creating a division of agricultural development in the department of agriculture using currently available funding and personnel. Ought to Pass. Senator Freese for the Committee.

SENATOR FREESE: This bill was brought to us by the commissioner of agriculture. It creates the division of agricultural development, in the department of agriculture, to promote agriculture in the state. In order to capitalize upon those opportunities and to achieve a more fully potential for agriculture in New Hampshire, it creates a division within the department, defines the functions of the division and directs the commissioner of agriculture to consolidate and restructure the activities within his department to achieve the purposes of this act. There is no appropriation with this bill and the commissioner shall nominate the director of the division and will be appointed by the Governor with the consent of the Council. We hope that you will support the committee's report.

Adopted. Ordered to Third Reading.

HB 517, Relative to assessments for sewer rental charges. Ought to Pass. Senator Disnard for the Committee.

SENATOR DISNARD: This is a very important bill for New London. The State, in its wisdom, instructed New London to place a sewer facility on the top of a hill. They neglected to realize that the law didn't allow sewer charges to be charged, placed against people to get to pump sewer up. So, all this bill is is to allow a community to charge a sewer fee not only to a gravity system, but also to a pressure system.

SENATOR HEATH: Senator, does this violate the law of gravity?

Adopted. Ordered to Third Reading.

### RECONSIDERATION

Senator Freese moved reconsideration to put HB 156 on second reading at the present time.

HB 156, Relative to sunset review of nurses registration board.

Adopted.

Senator Freese offered a floor amendment.

SENATOR FREESE: I'm sorry with all the questions when that bill was going through, I neglected to offer an amendment changing the time. As the bill was passed, the effective date was July 1, 1987. We wanted to change the date from that time, so that it would take effect upon passage. In order that the bill, after it was approved, and went to the Governor for his signature, the law could start moving forward, so that, there could be some relief in the hospitals and nursing homes. So, I hope you would overlook my error and support this amendment for immediate effect upon passage.

### Floor Amendment to HB 156-FN

Amend the bill by replacing section 11 with the following:

11 Effective Date. This act shall take effect upon its passage.

Floor Amendment Adopted. Ordered to Third Reading.

### COMMITTEE REPORTS

HB 666-FN, Relative to medical insurance payments for incarcerated persons. Ought to Pass with Amendment. Senator Blaisdell for the Committee.



SENATOR BLAISDELL: HB 666 was put in to take care of a person who, while incarcerated, required medical treatment outside of the institution. The Health Insurance Association of America, represented by Paula Rogers, testified for the bill. John Disko, the executive director of the New Hampshire Associated Counties, testified for the bill. No one testified against it and the Senate Insurance Committee asks your support.

The amendment is very brief. It was put in by the staff attorney of the department of corrections. It seems that the department of corrections has compacts with other states in the area of corrections. In other words, a person may be convicted for serving a term in another state and they can't get coverage so, this would give them the coverage. We deleted, in the amendment, within the State of New Hampshire, so that this could happen. It's a very simple amendment and was asked for by the department of corrections. If you want a floor amendment I will be very happy to get it for you, but it's a very simple amendment. I'm sorry it's not in the calendar, but it must have been a mistake.

#### Amendment to HB 666-FN

Amend the bill by replacing section 2 with the following:

2 Temporary Removal; Illness or Emergency; Reimbursement.  
Amend RSA 623:1, I to read as follows:

I. Any person confined in a county jail, house of correction, state prison or other place of detention may, under necessary precautions, be taken by some regular or specially authorized officer from such place of detention to a medical facility [within the state of New Hampshire] for the purpose of receiving medical examination or treatment upon recommendation of a physician and upon approval of the administrator of the institution in which the person is confined. In the case of a transfer for medical purposes for a period in excess of 24 hours, the justice of the court who originally ordered the prisoner's commitment shall be given written notice of the transfer within 5 days of said transfer, and shall be given notice upon the return of the prisoner within 5 days of the prisoner's return. The provisions of RSA 402:79 shall apply to payments for medical care provided pursuant to this section.

Amendment Adopted. Ordered to Third Reading.

HB 241-FN, Relative to workers' compensation. Ought to Pass with Amendment. Senator Blaisdell for the Committee.



SENATOR BLAISDELL: This was requested by the department of labor. This deals with adjustments to the procedure of administering three special funds that the department of labor administers.

We have an amendment that we're addressing. It's from the Alliance of American Insurers, suggested that we insert the words without sufficient cause in section 7 that effects 3 sections of the RSA's. There was nobody in opposition to the bill. The second section of the bill gives the department of labor a little more time frame to issue and collect assessments and reimbursement checks to carriers for the second injury fund. The third item is strictly housekeeping and it amends the bill to agree with 458B that was passed in the last session of the legislature.

#### Amendment to HB 241-FN

Amend RSA 281:23-b, VII as inserted by section 1 of the bill by replacing it with the following:

VII. A carrier or self-insurer failing without sufficient cause to make payment under this section within the period specified by the labor commissioner shall be assessed a civil penalty of \$100 for each day that the payment is overdue.

Amend RSA 281:48-a, VII as inserted by section 4 of the bill by replacing it with the following:

VII. A carrier or self-insurer failing without sufficient cause to make payment under this section within the period specified by the labor commissioner shall be assessed a civil penalty of \$100 for each day that the payment is overdue.

Amend RSA 281:51-a, VII as inserted by section 6 of the bill by replacing it with the following:

VII. A carrier or self-insurer failing without sufficient cause to make payment under this section within the period specified by the labor commissioner shall be assessed a civil penalty of \$100 for each day that the payment is overdue.

Amendment Adopted. Ordered to Third Reading.

HB 702-FN, Relative to workers' compensation, medical and vocational, rehabilitation benefits. Ought to Pass with Amendment. Senator Roberge for the Committee.

SENATOR ROBERGE: This bill would provide that medical and vocational rehabilitation benefits would begin upon a finding in the affirmative for the claimant, even if the employer appealed the finding. Presently, only weekly benefits are paid during the appeals process. The cost of these benefits is extremely high. If the employee subsequently loses on appeal, will he or she be able to be reimbursed for the cost? I urge you to support HB 702-FN.

Amendment to HB 702-FN

Amend RSA 281:37, II as inserted by section 1 of the bill by replacing it with the following:

II. A decision of the labor commissioner shall take effect upon date of notification and become final, in the absence of an appeal therefrom, 30 days thereafter. Payment of weekly compensation and entitlement to medical and vocational benefits, if necessary and so ordered by the commissioner, shall begin and/or continue as soon as possible after the decision's effective date, but no later than 5 work days thereafter, and shall not be terminated, except in accordance with the terms of the commissioner's decision or by final court determination. Upon failure of an employer, or his insurance carrier, so to comply with [his] the decision, the commissioner shall assess a penalty not to exceed \$25 for each day of non-compliance, beginning on the date of notification of assessment. Upon continued failure to comply with an order to make payment of compensation or medical benefits, or to institute vocational rehabilitation [and/] or to pay the penalty, or any combination thereof, the commissioner shall petition the superior court for an injunction to comply. All penalties collected under this section shall be deposited by the commissioner with the state treasurer.

Amendment Adopted. Ordered to Third Reading.

HB 578-FN, Relative to unemployment compensation. Ought to Pass with Amendment. Senator Freese for the Committee.

SENATOR FREESE: We ask that HB 578-FN be recommitted.

Adopted.

HB 671-FN, Relative to disability benefits for firefighters. Ought to Pass with Amendment. Senator Bond for the Committee.

SENATOR BOND: There exist a prima facie, that the cancer in firefighters is occupationally related, provided in the case of call and voluntary firefighters that there is reasonable medical evidence that

the firefighter was free of such disease when he began his employment. The cancer must also be of a type that may be caused by exposure to heat radiation or a known carcinogen. We heard evidence in the committee that it is possible to determine from the form of cancer whether or not it is related to exposures which are received by firefighters. It is noted, as you will notice in the analysis, that there must be medical evidence that the firefighter was free of the disease at the beginning of his employment.

The amendment, which you will find on page 18, changes only one word on line 19 of the first page of the bill. It says the last number is a period of forty years. The amendment changes it to a period of 20 years. We would urge your support of the bill.

SENATOR HEATH: Senator, if a fireman was a smoker, how could you tell if he got lung cancer, whether it was caused from that, which would be more likely, or from his occupation?

SENATOR BOND: Senator, there is a question that arises related to smoking. There are certain types of cancer that do also show up, for instance, exposure to asbestos in the asbestos work place. In a firefighter would have similar symptoms that would not be found in an average citizen that smokes. Although it is not a nice clean cut case of being able to tell which carcinogen in a smoke environment got somebody, you can narrow the field. The error would be in favor of the firefighter, in other words.

SENATOR HEATH: If a volunteer fireman served two years in that profession and was a lifelong smoker and got lung cancer, is there any possibility that he would be covered?

SENATOR BOND: Only if he had been found medically not showing any symptoms of having cancer at the time that he entered the employment as a voluntary fireman. And then for a period of only 20 years after that time that he left the employment as a fireman.

#### Amendment to HB 671-FN

Amend RSA 281:2, V-b as inserted by section 1 of the bill by replacing it with the following:

V-b. Notwithstanding the provisions of the paragraph V, there shall exist a prima facie presumption that cancer disease in a firefighter, whether he is a regular, call, volunteer, or retired member of a fire department, is occupationally related; provided, however, that

a call or volunteer firefighter shall have the benefit of this prima facie presumption only if there is on record reasonable medical evidence that he was free of such disease at the beginning of his employment. In order to receive this occupational cancer disability benefit, the type of cancer involved must be a type which may be caused by exposure to heat, radiation, or a known or suspected carcinogen as defined by the International Agency for Research on Cancer. It shall be the duty of the employer of call or volunteer firefighters to provide the required reasonable medical evidence; if the employer fails to do so, the call or volunteer firefighter shall have the benefit of the prima facie presumption regardless of the absence of said reasonable medical evidence. A retired firefighter who agrees to submit to any physical examination requested by his city, town, or precinct shall have the benefit of the prima facie presumption for a period of 20 years from the effective date of his retirement. For the purposes of this paragraph, a call or volunteer firefighter shall mean a firefighter not regularly employed by a fire department of any city, town, or precinct in the state, but answering for duty only to alarms of fire, and who has been appointed by the fire department and is a member of the New Hampshire State Fireman's Association.

Amendment Adopted. Ordered to Third Reading.

HB 165-FN, Relative to sunset review of department of employment security and relative to appellate procedure in such departments. Ought to Pass with Amendment. Senator Freese for the Committee.

SENATOR FREESE: This bill renews the department of employment security to six years. Present statute applies to the first tribunal level.

The amendment is on page 11. It adopts a second level of appeals which shall be the commissioner. There are some technical amendments changing the word division of the Appellate Division, consisting of five members to the word, Board, so it will be known as the Appellate Board. It also provides for appointments for the appellate members to be in case of a vacancy for that vacancy to be filled. It increases the per diem amount of money for the chair and the vice chair who are attorneys for this board from \$100 to \$150. In the event of an increased workload, the chair of the appellate board may request the Governor, with the advice and the consent of the Executive Council, to appoint four additional at large members to the board. At the present time, there are five members of the board; one from each council district. Often they aren't available and the work

piles up and at times there is need for an alternate person from those council districts, so this provides for that. There are additional technical amendments in the bill, but those are the main changes. There was a good long hearing. Most of the testimony by and large was for the bill and the committee recommends ought to pass. We hope you can support the committee report.

SENATOR JOHNSON: Senator Freese, I was talking with one of the representatives about the amendment and I apologize for not being able to follow with all of your report there. Would you please tell me what the sequence of events is, at this moment in time, in regard to an appeal and then what it was in HB 165, and then, how this amendment changes either of those two.

SENATOR FREESE: I'll try to answer your questions, but if I don't satisfy your question you have my permission at least to pursue it further. Presently there's a tribunal that hears the first appeal. It's called the appeals tribune. That can either be a person from the agency that can chair that by himself or it can be three people, one from management and one from labor. That's the choice of the department. The department has chosen in the past to have the three appeal process at that level. The second level is the new level of appeals which would be the commissioner. If he sees anything in that process of the first level, he can demand it back to the chairman of that hearing. If there's still problems, there's a third appeal. It goes to the appellate board which was invoked in 1981 during the last time that the sunset committee study the division or the department. There's a fourth step also. It can be appealed in the Supreme Court after that. So, there are four levels of appeal for this board and the new one is the commissioner in the second hearing process.

SENATOR JOHNSON: So, if we adopt this amendment and there was an appeal from an unemployment decision, where would it go first?

SENATOR FREESE: The tribunal or one person consent, right down to the person from labor or one person from management.

SENATOR JOHNSON: And after that the commissioner would have to pass on it?

SENATOR FREESE: The commissioner would look that over and if there was a problem he can demand it to the tribunal.

SENATOR JOHNSON: And finally the third level would be?



SENATOR FREESE: The appellate board and, if there is dissatisfaction there, it can go to the Supreme Court.

SENATOR JOHNSON: I thought we were saying that there were four levels of appeal and now in this amendment, I'm still having a little trouble myself, of what the change is?

SENATOR FREESE: The change is in the makeup of the last appeal before the Supreme Court. They want more people for that level of appeals because the people who have been appointed to that appellate board aren't always available. This bill allows four more people to be available for that appellate hearing. If there isn't a full enough board they don't have the hearing and some of the hearings pile up when the department is very busy and they don't get their work out in time.

SENATOR JOHNSON: It sounds like your committee did something comparable to what Public Affairs did, in regards to the public employee relations board of added members there, to make it easier.

SENATOR FREESE: Yes.

#### Amendment to HB 165-FN

Amend the title of the bill by replacing the title of the bill with the following:

#### AN ACT

relative to sunset review of the department  
of employment security and relative  
to appellate procedure in  
such department.

Amend the bill by replacing all after the enacting clause with the following:

1 Sunset; The Department of Employment Security Renewed. The department of employment security is hereby renewed to comply with RSA 17-G. The agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

2 Effect of Later Enactments. Passage of this act renewing the department of employment security shall not limit any subsequent legislative action affecting this agency or program. The general court shall retain its full power to make amendments to or to terminate the department of employment security, pursuant to RSA 17-G:9.

### 3 Reopening of Appeal. Amend RSA 282-A:60 to read as follows:

282-A:60 Reopening of Appeal Tribunal Decision; Procedure. The second level of appeal shall be to the commissioner. The commissioner may, upon written request of an interested party or upon his own initiative, in any case in which a decision has been rendered, reopen the case on the basis of fraud, mistake, or newly discovered evidence. Such request shall set forth the facts or argument considered to be the basis for the reopening. The commissioner shall not consider any request for reopening unless it is received in his office within 14 calendar days immediately following the date of the mailing of the appeal tribunal's decision. The commissioner shall promptly notify in writing all interested parties of the request for reopening.

### 4 Renaming the Appellate Division the Appellate Board; Per Diem Allowance. Amend RSA 282-A:62 to read as follows:

#### 282-A:62 Appellate Division.

I. There shall be an appellate [division] board consisting of 5 members, no 2 of whom shall be from the same executive council district, who are and continue to be residents of New Hampshire, appointed by the governor with the advice and consent of the executive council for 3-year terms and until their successors are appointed and qualified. Two of the members shall be attorneys-at-law admitted to the practice of law in the state of New Hampshire, one of whom shall be the [chairman] chair, and one of whom shall be the vice [chairman] chair and shall serve in the absence of the [chairman] chair. These 2 members shall be the only members of the appellate [division] board who are attorneys-at-law. Another member shall be a representative of business management familiar with unemployment compensation laws. A fourth member shall be a representative from organized labor familiar with unemployment compensation laws. The fifth member, who shall also be familiar with unemployment compensation laws, shall be designated as the member representing and shall represent the public. [The first appointments shall be 2 for one year, 2 for 2 years and one for 3 years.] The appointments shall be for 3 years. Any vacancy shall be filled for the unexpired term. The members shall be paid \$100 for each day or any part thereof during which they perform services except that the chair and vice chair shall be paid \$150 for each day or any part thereof during which they perform services. [and] All members shall be reimbursed for all expenses determined by the commissioner to be necessary to the performance of their duties including mileage and board and room

necessary for the conduct of hearings in Concord, except that no person who is a member of the appellate [division] board and holds a part time, full time or per diem position with the executive, legislative or judicial branch shall receive the [\$100 per day] per diem allowance.

II. In the event of an increased workload the chair of the appellate board may request the governor with the advice and consent of the executive council to appoint up to 4 additional at-large members to the board, with equal representation for business management and organized labor. These new members shall serve for 3 years or until notified by the chair that the workload has been reduced to a level so that their services are no longer required.

5 Organization and Support; Renaming the Appellate Division the Appellate Board. Amend RSA 282-A:63 to read as follows:

282-A:63 —Organization and Support. The appellate [division] board shall be part of the department of employment security for organizational purposes but shall operate independently of that department. [Annual funding for the appellate division shall be determined by the commissioner after consultation with the chairman of the division and] The commissioner, after consultation with the appellate board chair, shall develop a cooperative working agreement outlining the annual funding for the appellate board which shall be provided for and administered by the commissioner. The agreement shall also describe all clerical personnel, facilities, space, supplies, services, and other support necessary to the functioning of the appellate [division] board which shall be determined by, provided for, and administered by, the commissioner.

6 Jurisdiction; Replacing Appeal Tribunal with First Level Appeal Chairman; Renaming the Appellate Division the Appellate Bureau. Amend RSA 282-A:64 to read as follows:

282-A:64 —Jurisdiction.

I. The appellate division shall hear appeals from decisions of the appeal tribunal. An appeal must be filed with the appellate [division] board within 15 days of the date of mailing of:

- (a) The commissioner's decision on a request for reopening; or
- (b) The appeal tribunal's decision on an appeal which had been remanded by the appellate [division] board, in which case a request for reopening is not required.

II. The appellate board may allow a late appeal, if, in its opinion, good cause exists.

[II] III. The review by the appellate [division] board shall be confined to the record. No evidence shall be received. The appellate [division] board shall provide all parties and the commissioner with a [transcription] tape recording of the appeal tribunal[.]; however, the appellate board chair may require a transcription of the appeal tribunal hearing. In such case a copy shall be provided to all parties. The commissioner shall provide the appellate [division] board with a copy of all other department records relating to the claim.

IV. The appellate board may decline to review any appeal which presents no substantial question within the appellate board's jurisdiction as set forth in RSA 282-A:65.

7 Reversal, Modification, or Affirmation; Renaming Appellate Division the Appellate Board. Amend RSA 282-A:65 to read as follows:

282-A:65 — Reversal, Modification or Affirmation. The appellate [division] board shall not substitute its judgment for that of the commissioner or appeal tribunal as to the weight of the evidence on questions of fact, or as to the prudence or desirability of the determination. The appellate [division] board shall reverse or modify the decision or remand the case for further proceedings only if the substantial rights of the appellant had been prejudiced because the findings, inferences, conclusions, or the decision is:

I. In violation of constitutional or statutory provisions; or

II. In excess of the statutory authority of the department of employment security; or

III. Affected by reversible error of law; or

IV. Affected by fraud; or

V. Affected by the absence of newly discovered evidence, which was not available to the affected party upon reasonable search at the time of the appeal tribunal hearing, in which case the appeal shall be remanded to the appeal tribunal. Otherwise, the appellate [division] board shall affirm the order.

8 Quorum, Sessions, Exclusivity; Replacing the Appeal Division with Appeal Board; Renaming Appellate Division the Appellate Board. Amend RSA 282-A:66 to read as follows:

282-A:66 — Quorum, Sessions, Exclusivity.

I. The appellate [division] board, while in session, shall consist of 3 members designated by the [chairman] chair. Any party aggrieved by a decision of the appeal tribunal may appeal. The parties to such appeal shall be the claimant, all interested parties as defined in this chapter, and the commissioner. The appellate [division] board shall

adopt rules of procedure pursuant to RSA 541-A. It shall not require written briefs. The appellate [division] board shall:

(a) Render a written decision within 15 business days of the hearing; or

(b) Adopt the decision of the appeal tribunal.

[When a decision is not rendered within 15 business days after the hearing such will constitute a dismissal of the appeal.]

II. The appellate [division] board shall sit in Concord, or any other area designated by the chair, and shall hold sessions at least monthly for the purpose of hearing arguments, making orders, rendering decisions and filing opinions.

III. The appellate procedures provided by this chapter shall be exclusive.

9 Judicial Review; Replacing the Appeal Tribunal with Appeal Chairman; Renaming Appellate Division the Appellate Board. Amend RSA 282-A:67 to read as follows:

282-A:67 Administrative Reconsideration and Judicial Review.

I. An interested party who is aggrieved by the decision of the appellate board or the commissioner, may within 20 days of the date of mailing of the board's decision request that the board reconsider its decision or that the board order a new hearing specifying in the request

the grounds therefor. The appellate board shall within 30 days deny or grant the motion for reconsideration or order a new hearing.

[I] II. An interested party who has exhausted all administrative remedies within the department and who is aggrieved by a final decision of the appeal tribunal as reversed, modified, or affirmed by the appellate board after a motion for reconsideration is granted or denied or after the decision on rehearing, may appeal that decision to the supreme court, but only if the notice of that appeal is filed with the court within [15] 30 days after the date of mailing of the decision from which the appeal is taken and the notice of appeal is served upon the [appeal tribunal] commissioner and the attorney general contemporaneously with the filing of that notice of appeal with the court. In addition, that notice of appeal shall be served upon all parties of record. The service required by this section may be in person or by certified mail, return receipt requested. The appeal shall be styled "appeal of name of the party filing the appeal regarding [ ] unemployment compensation [appeal tribunal]" [and shall be an in rem proceeding]. Any interested party, and the state, shall have a right to participate as a party in the appellate proceedings before the court. The notice of appeal shall specifically identify



each error for which review is sought. The filing of a notice of appeal shall not stay enforcement of the appeal tribunal's decision.

[II] III. Within 60 days after the service of the notice of appeal upon the [appeal tribunal] commissioner, or within such further time allowed by the court, the [appeal tribunal] commissioner shall transmit to the court a certified copy of the entire record of the proceeding [before the appeal tribunal]. By stipulation of all parties to the review proceeding, the record may be shortened. If the record is shortened by stipulation, the court may subsequently require additional portions of the record certified.

[III] IV. The review of the court shall be confined to the record. No evidence shall be received in the court. The court may require oral argument or written briefs, or both.

[IV] V. The court shall not substitute its judgment for that of the appeal tribunal as to the weight of the evidence on questions of fact. The court shall reverse or modify the decision of the appeal tribunal, or remand the case for further proceedings, as determined by the court, only if the substantial rights of the appellant had been prejudiced because the administrative findings, inferences, or conclusions are:

- (a) In violation of constitutional or statutory provisions;
- (b) In excess of statutory authority;
- (c) Made upon unlawful procedures;
- (d) Clearly erroneous in view of the substantial evidence on the whole record; or
- (e) Affected by other error of law.

Otherwise, the court shall affirm the appeal tribunal's decision.

10 Membership of Appellate Board. Notwithstanding RSA 262-A:62, the members of the appellate division shall become members of the appellate board upon passage of this act. The terms of the initial members of the appellate board shall expire at the time such individual's terms in the appellate division were due to expire.

11 Rules; Appellate Division. Any rule adopted by the appellate division under RSA 282-A:66 shall remain in effect until its expiration date under RSA 541-A:2, IV, unless the appellate board amends or repeals the rule, pursuant to RSA 282-A:66, prior to that date.

12 Effective Date. This act shall take effect January 1, 1988.

Amendment Adopted. Ordered to Third Reading.

HCR 3, Relative to accidents involving nuclear power plants. Ought to Pass with Amendment. Senator Bond for the Committee.

SENATOR BOND: HCR 3 urges the United States Congress to amend the Price Anderson Act relative to liability for nuclear accidents. The amendment which you will find on page 8 adds another resolve to raise the limits of compensation to be commensurate with 1987 costs. The committee recommends passage.

#### Amendment to HCR 3

Amend the resolution by replacing all after paragraph VI after the resolving clause with the following:

VII. To raise the limits of compensation to be commensurate with 1987 costs.

Further resolved that copies of this resolution, signed by the speaker of the house and the president of the senate, be by them forwarded to the congressional delegation from New Hampshire, each chairman of congressional committees which have jurisdiction over Price-Anderson legislation, the United States Department of Energy, and the United States Nuclear Regulatory Commission.

Amendment Adopted. Ordered to Third Reading.

HB 436, Relative to insurance coverage for home health care. Re-refer to Committee. Senator Delahunty for the Committee.

SENATOR DELAHUNTY: Although the committee agreed that home health care is an excellent idea, and in the long run, will be economically feasible, the feeling of the committee was the bill should be re-referred to committee to allow more time for study to determine proper definitions and to establish proper controls.

Adopted.

HB 296-FN, Establishing a department of securities and making an appropriation therefor. Re-refer to Committee. Senator Delahunty for the Committee.

SENATOR DELAHUNTY: I am asking to recommit this bill and two others so that we may have a hearing on these bills at the present time, as a courtesy to the House.

Joint Rules do not require a hearing before a motion to re-refer a bill for action in the second year session.

Bills must have a hearing before final action is taken on a bill, but the reason for re-referring is to allow us more time to properly handle legislation.

SENATOR ST. JEAN: Senator, you mentioned that there were two other bills that you wanted to re-refer. May I inquire as to what those two other bills are?

CHAIR: Senator, we are addressing HB 296 right now and we will get to those two other bills in due time. Let's deal with this one first.

Adopted.

HB 693-FN, Relative to determining membership in the New Hampshire retirement system. Re-refer to Committee. Senator Delahunt for the Committee.

SENATOR DELAHUNTY: I am asking to recommit this bill for the same purpose that I read on HB 296.

Adopted.

HB 696-FN, Relative to interest payment calculations under the New Hampshire retirement system and making an appropriation therefor. Re-refer to Committee. Senator Delahunt for the Committee.

SENATOR DELAHUNTY: I am again asking for recommitment for HB 696 for the same reason as the previous two bills.

Adopted.

HB 687-FN, Relative to eligibility for disability payments to injured workers. Inexpedient to Legislate. Senator Delahunt for the Committee.

Senator Delahunt moved to substitute re-refer to committee.

SENATOR DELAHUNTY: It was the feeling of the committee that this bill was, too open ended, the fiscal impact was undetermined and furthermore, approximately only 1% of the workmen's compensation hearings dealt with this matter. The committee looked into the matter and felt that it needed a little more time for further study and would like to recommend that the bill be re-referred to committee.

Adopted.

HB 697-FN, Relative to the definition of "wages" for workers' compensation purposes. Inexpedient to Legislate. Senator Delahunt for the Committee.

Senator Delahunty moved to substitute re-refer to committee.

SENATOR DELAHUNTY: The feeling of the committee was that this bill as presented was too open ended, definitions were not that clear and the cost analysis was not available. The committee felt that if they had more time to study the bill that it could give a better and more precise report.

Adopted.

HB 675-FN, Relative to workers' compensation liens against insured motorist recoveries. Inexpedient to Legislate. Senator Freese for the Committee.

SENATOR FREESE: This bill deletes the provision allowing worker's compensation liens against uninsured motorist recoveries. It would, in effect, repeal a law that we passed last session. The effect of the repeal would be to allow someone who is in an accident with an uninsured motorist while working to collect from both workmen's compensation and the uninsured motorist provision and eliminates segregation by worker's compensation carrier. The committee recommends inexpedient to legislate.

SENATOR PRESSLY: Having voted in the minority opinion on this bill, I would like to propose a substitute motion of ought to pass on HB 675.

This is a rather interesting bill and I would request that you take this opportunity to consider ought to pass and to do something for the consumers of the State of New Hampshire. The way it was last session, this law was put into place. What this means is, if an individual is in an automobile accident on their way to work, where they are considered at their place of employment, and they are injured by a person who is uninsured, they have no choice but to have the workman's compensation insurance policy become effective. Now, this same person on their very own insurance policy, is paying a premium price to have coverage should they ever be injured by a uninsured motorist. It turns out that unless you pass this bill, that this individual will be unable to collect the insurance on the policy that they themselves have paid extra for, have had a premium and have made a conscious decision to protect themselves in this eventuality. No where in their insurance policy does it say to them, however if you happen to be working, you are not covered. They are paying full premium price for this particular type of insurance, so they have no choice, they are on their way to work, they're creamed, they're in

the hospital, they're injured, they're trying to get their life back together and lo and behold they find out that they have no choice if they want workman's compensation or their own. They have to take workman's compensation. Let's take a look at that. The most that workmen's compensation pays is two-thirds of their salary and it has a \$400 a week cap. Now this person happens to make a little bit more than that. He has mortgages to pay where the workmen's compensation is not going to cover them. But his own insurance policy that he has paid for, he applies for and it is given to him and he must give it back to the insurance company for workmen's compensation. Workmen's compensation does not cover for pain and suffering; it does not cover for full lost wages and here this guy has paid his own premium to cover that unfortunate eventuality. Some people like to call it double dipping. What is that? There's an overlap. Not only was the employer smart enough to have coverage, but the individual was smart enough; They're both paying that premium. Is it really fair that the insurance company makes out instead of the person who's injured and in the hospital? I say that no amount of an overlap of payment is worth having an individual have to sacrifice their own individual insurance coverage. I say that an ought to pass vote is a vote for the consumer and I plead with you to consider passing this legislation ought to pass. Thank you.

SENATOR BARTLETT: Senator Pressly, would you believe that insurance policies, especially on injury, that the intention is to try to make the person whole and recover for their injuries?

SENATOR PRESSLY: I do believe that that is the case. Therefor, I think the passage of this bill will make that a reality.

SENATOR BARTLETT: Do you further believe that someone should make a profit, like \$400 a week, because there are two insurance policies in place?

SENATOR PRESSLY: If one person is able to make a profit in order to protect the many others who will take an enormous loss and not be able to become whole, then I vote in support of making people whole instead of an overlap.

SENATOR BARTLETT: Would you explain one person becoming rich, I don't understand that. I do know a little bit about insurance, I'm not following what you're saying.

SENATOR PRESSLY: If an injured party, because of the law, should happen to be able to collect on two individually paid premiums, one by his employer and one by himself, I feel that that is a



small sacrifice to make. Should someone happen to benefit from being injured for the person who takes a total loss and loses because of the law and does not become whole.

SENATOR BARTLETT: My question I guess is who is the person that you are referring to that is going to lose on this basis?

SENATOR PRESSLY: The person who is going to lose on this basis is the person who has his own insurance coverage, has paid a premium and must accept workmen's compensation which does not pay for full lost wages, and does not pay for pain and suffering. He is not able to collect on his own insurance for a much better coverage that he has individually paid for.

SENATOR BARTLETT: If I understand this bill, it says the lien is not on the total amount of uninsured recovery, it is on the amount of funds paid by the workmen's compensation. It does not limit the amount of collection on uninsured motorists; It just says that if \$100 a week is paid out, then that money will be reimbursed to the carrier. It doesn't put any cap on pain and suffering. All it does is avoid someone making a profit on an insurance policy. Is that not correct?

SENATOR PRESSLY: My understanding is that workmen's compensation automatically has a partial coverage of two-thirds of the person's salary with a \$400 a week cap. If workmen's compensation pays out this much they only pay a portion of the benefit. The individual has paid for a lesser total amount, so everything that the individual collects on their own policy that they have paid for will have to go for workmen's compensation, which doesn't cover as much.

SENATOR BARTLETT: May I pose a question that, if an automobile accident occurred and the uninsured motorist award was \$300,000?

SENATOR PRESSLY: By whom?

SENATOR BARTLETT: By the uninsured motorist carrier. We're talking about the uninsured motorist here, are we not?

SENATOR PRESSLY: Yes, but the uninsured motorist doesn't have a carrier.

SENATOR BARTLETT: The insurance company is called the carrier. The insurance carrier pays an award to whoever was injured, \$300,000. The amount that would be deducted from that award would be the amount paid by the workmen's compensation. It in no

way caps it. If the insurance under workmen's compensation paid \$20,000, they could recover the \$20,000, but only after the award has been made under the uninsured motorist.

SENATOR PRESSLY: However, if you have a severe injury from an accident, the workmen's compensation does have caps. Which means your own individual policy will not pick up the difference. Workmen's compensation on a significant injury with a person that receives a significant salary, their own policy will go towards the employer's policy.

SENATOR BARTLETT: Apparently, I'm not making myself clear. Would you believe that the workmen's compensation coverage is paid for by the employer and not the employee?

SENATOR PRESSLY: That's right.

SENATOR BARTLETT: The employer may also be paying for the uninsured motorist in certain occasions, or they may pay for it themselves. Now assuming that your uninsured motorist is covering you in an accident and you receive an award of \$300,000 from your insurance company. There's nothing to prevent that under this piece of legislation. Is that correct?

SENATOR PRESSLY: The way it is now if your own private insurance company does in fact cover and pay the award that you have paid for and have paid your premium for, if they award that to you and workmen's compensation, you must give it all back to another insurance policy and company that the employer has paid for. If that doesn't cover the full amount of your injury you are out.

SENATOR BARTLETT: Some where we're missing the point. Let me just explain to you briefly, if I may. Would you believe that workmen's compensation pays the weekly benefit as prescribed by law if you're injured. It pays 100% of all medical bills. That's the workmen's compensation coverage. Would you believe that?

SENATOR PRESSLY: You are speaking of the medical bills?

SENATOR BARTLETT: Both, they pay the weekly wage as designated by statute.

SENATOR PRESSLY: 100% weekly wage?

SENATOR BARTLETT: No, they pay the weekly wage as designated and prescribed by the statute. Workmen's compensation law

tells how much you shall get a week based on how much you make. That workmen's compensation money is non-taxable. Do you believe that?

SENATOR PRESSLY: If you say so.

SENATOR BARTLETT: Would you also believe that workmen's compensation pays your entire medical bill?

SENATOR PRESSLY: Yes.

SENATOR BARTLETT: So that you have been made whole on your medical portion under workmen's compensation, You could be made whole again for your medical portion under your uninsured motorist. Now, you can receive an award under uninsured motorists for up to whatever the limits of coverage that you carry. What this policy says, is that you don't collect twice. It doesn't put any limit on what you collect. It says you can't collect twice for your injuries.

SENATOR PRESSLY: Does the worker's compensation also cover the eventuality where a person is injured and they are no longer able to work, and therefor, their life has changed in such a way that they will never be able to change jobs or improve themselves. Is there something in workmen's compensation for that eventuality?

SENATOR BARTLETT: Would you believe that workmen's compensation has total and permanent disability clauses under their provisions?

SENATOR PRESSLY: If you say so.

SENATOR DISNARD: Senator Pressly, would you believe the young man has sense enough to go out and purchase additional coverage, he might have additional pain and suffering after he signs off with workmen's compensation. If he has future medical bills after he signs off with workmen's compensation. If he should loose the friendliness and consortium with his wife, he might be thinking of that also. Workmen's compensation wouldn't cover that. Would you agree with those statements?

SENATOR PRESSLY: I do agree with those statements and I feel that is unfair. I think we should vote ought to pass for fairness.

SENATOR BARTLETT: Senator Disnard, under unemployment compensation there is provisions to reopen cases via the labor department, if the injury does have reoccurring expenses. To sign off it does the approval of the labor department.

SENATOR DISNARD: I would believe it, but I sure would not want to be the man that would have to go up against the labor board to try and get reimbursed.

SENATOR PODLES: Senator Bartlett, what you're saying is that a person who buys insurance against an uninsured driver and he's employed, he's at a disadvantage. There's no point in buying insurance then, right?

SENATOR BARTLETT: This gets a little bit complicated. Workmen's compensation has a limit as to how much you can receive based upon your average paycheck. Workmen's compensation will pay up to X amount of dollars. There is a cap on workmen's compensation. There is a maximum that they will go up. Workmen's compensation will pay the entire medical bills. What the uninsured motorist does is it puts you or the insurance on the other vehicle as if that vehicle were insured. You can claim up to whatever amount of coverage you carry on your own personal insurance. If you carry \$500 in a million you can collect under insured motorist. Pain and suffering, loss of all those things that George talks about and all those nice little things that go out there in court. There's nothing wrong with it. What this bill says is, that you can't collect twice. We talk about the extreme. This doesn't say if you get in a serious accident, that you'd do it. It just says that workmen's compensation pays. There's nothing in here about total, permanent, partial, what it does is it allows someone to collect twice for an accident. So, they can collect the workmen's compensation and the uninsured motorists. It may well be that if you're driving a company car that you would collect under your employer's insurance twice because a company car also carries uninsured motorists. It isn't only you as an individual, if you drove a company car without this legislation, you could collect under the workmen's compensation, you could collect under your employers automobile insurance and if your insurance on your own automobile was higher than that of what the employer carried, you can pick up the layer once more. You could do quite well.

SENATOR JOHNSON: Senator Pressly, are you a member of the committee that heard this bill?

SENATOR PRESSLY: That's correct.

SENATOR JOHNSON: I noticed that the commissioner of insurance and the commissioner of labor were in the gallery a few moments ago, can you tell me what their testimony was in regards to this bill?

SENATOR PRESSLY: No, I'm sorry I cannot.

SENATOR JOHNSON: Senator Bartlett, I was trying to follow your comment there. Were you saying that the driver of a vehicle whose company is also paying a premium for uninsured motorists, that that benefit would accrue to the employee rather than the employer?

SENATOR BARTLETT: We're talking about two areas. One, the workmen's compensation area, which is required by statute that you carry workmen's compensation. Also, in New Hampshire, if you carry liability and you have a company vehicle you also carry uninsured motorist. Now, if you pass this legislation you collect under the workmen's compensation, assuming you're driving the company car, and you also have the area of the uninsured motorist that you could collect over and above workmen's compensation. You can take the workmen's compensation and you can take the uninsured motorist. So, theoretically you could collect all the workmen's compensation benefits and then you add on top of them, all the uninsured motorist. So that you'd collect much more than what the injury calls for.

SENATOR JOHNSON: What is the position of the commissioner of insurance and the department of labor commissioner in regards to this rather important issue?

SENATOR BARTLETT: I'm afraid I'm not at liberty to give the opinion of the labor commissioner who's sitting in the gallery and a few minutes ago the commissioner of insurance was up there. I'm not aware if they testified or not. I'm not sure that they have the right to give policy on this because it's an insurance matter.

SENATOR JOHNSON: You're not suggesting that those commissioners could not have come to this hearing and testified on behalf of this bill?

SENATOR BARTLETT: They could have come and testified any way they wanted to. Either for it or against it.

SENATOR JOHNSON: Wouldn't it be appropriate for us to know what their position is on a bill like this?

SENATOR BARTLETT: I have no quarrel with you questioning them.



SENATOR FREESE: Senator Bartlett, isn't it true that should there be an injury or accident that the workmen's compensation covers, that that person could draw from workmen's compensation up to a level of the maximum if they had that much personal damage? If he also had his insurance coverage that provided a higher level than the difference, he could receive all of his workmen's compensation up to that maximum and also receive the difference of that workmen's compensation from the insurance company? He wouldn't be getting both. He'd be getting the difference so they'd both be engaged, the insurance would be engaged later, if the injury required it?

SENATOR BARTLETT: If the injured party received his total medical coverage, which he'd receive under workmen's compensation. He would also, without this policy, receive medical for both. The answer to your question is he would receive his workmen's compensation benefits to the maximum of the law and he would receive his medical benefits. If the award, under uninsured motorist exceeds that, that is also his. So, the whole theory of insurance is to try to put someone back into the position that they were, before the loss. You're not supposed to get hurt to make a profit. If you do that you wind up with the insurance premiums increasing.

SENATOR FREESE: So, if this bill were voted inexpedient to legislate, that's the scenario that would take place, as you've explained it?

SENATOR BARTLETT: If this bill were inexpedient, the person would be made whole under the statute, he would not make a profit.

SENATOR DISNARD: If I worked for the State and I was killed on the job my wife would collect a certain amount of money up to my salary. If my wife also had separate insurance on me and my death, would you want that to be deducted?

SENATOR BARTLETT: We're not talking apples and apples, we're talking apples and oranges. These are two different types of coverage. One's a casualty coverage and one's a life coverage. You buy life coverage for death; you buy casualty coverage, workmen's compensation and uninsured motorists, for injuries to self. They are two different things, one is a personal injury policy or a casualty and the other one is a life policy. When your wife bought that policy she knew that either you or she were going to die, but we don't know whether you're going to get into an accident or not.

SENATOR DISNARD: If I was young and had a family, it would be for the protection of the children. To me if you pay for something, you should receive it. Would you believe that?

SENATOR BARTLETT: Would you believe that it is possible without this legislation to collect two ways without paying anything? Because if you're driving a State car and it has uninsured motorist you can collect for the uninsured motorist and you can collect for the workmen's compensation. So, you can collect double in the same accident from the same person.

SENATOR PRESSLY: Senator Bartlett, take the reverse of Senator Freese's argument where the individual's own private insurance policy is, in fact, less than the full amount paid out by workmen's compensation. I assume that the opposite would then apply, that the person would actually lose the full benefit of their own insurance policy if it were a lesser amount than the workmen's compensation? I assume that the opposite applies to Senator Freese's question.

SENATOR BARTLETT: I just don't believe that scenario can happen. If the injuries are there and if you're talking about pain and suffering, which is not covered by workmen's compensation, and other courses of collection receivable is very unlikely that you would ever find that your uninsured motorist is less than your workmen's compensation and if it was, it'd probably mean that you didn't have any injuries to really be compensated for. What you're proposing today is everyone that's involved that's got a job and gets injured is going to make a profit on his accident, then it is going to do two things; it's going to raise the cost of insurance and have a tendency for people to stay out of work longer.

SENATOR PRESSLY: Would you believe that your argument now of increase of insurance rates is quite curious? My question is this, when current law became effective a year ago, if your theory is correct, the insurance rates should, in fact, have gone down. That did not happen. How can you justify now the argument that the insurance rates will go up, when they did not go down when this law went into place a year ago?

SENATOR BARTLETT: I can justify the rates of insurance to go up because insurance rates come out of losses paid out. If you increase the losses paid out, you're eventually going to increase the premium. It's been a fact of life. I've been in the insurance business for 30 years, don't own any insurance company stocks, don't own any insur-

ance agency. I'm just trying to explain to this group that if you get involved in an accident, the theory of life is that you're suppose to be made whole and you're not suppose to make a profit from being in an accident. You're proposing, as I understand your question, that you want people who work on a job to make a profit every time they're involved in an automobile accident. I really don't think that makes sense.

SENATOR PRESSLY: Would you believe Senator Bartlett, that that is just the opposite of the ought to pass effort. It is to insure that every person gets full use of what they pay for to insure that someone who is truly injured is able to benefit from the very policy, that they themselves have paid for and worked very hard for. Thank you.

SENATOR BARTLETT: If you followed my scenario, you haven't made any provision in your question to allow for the person who is injured on the job in a company car. That person hasn't paid a cent for that. You've got to decide whether you want your cake and eat it to, or you don't want it. That's how life's going to go.

Senator Preston moved the question.

Adopted.

Senator Charbonneau requested Roll Call.  
Senator Freese seconded.

Those in favor: Senators Disnard, Blaisdell, Pressly, Nelson, Johnson, Stephen, St. Jean, Preston and Krasker.

Those opposed: Senators Bond, Hounsell, Heath, Freese, Hough, Dupont, Chandler, Roberge, White, Charbonneau, McLane, Podles, Bartlett, Torr and Delahunty.

9 Yeas

15 Nays

Motion fails.

Question: Inexpedient to Legislate

Adopted.

HB 289, Relative to criminal records and making an appropriation therefor. Ought to Pass. Senator Podles for the Committee.

SENATOR PODLES: I move that HB 289 be recommitted to committee.

Adopted.

HB 338-FN-A, Relative to the senior companions and foster grandparents programs and making an appropriation therefor. Ought to Pass. Senator Krasker for the Committee.

SENATOR KRASKER: HB 338 provides reimbursement to volunteers of the senior companion and the foster grandparents programs. The senior companion program operates in three counties. It allows visits in people's homes. For some people, it's the only contact they have. The foster grandparents operates in nine counties, working with children with special needs in day cares and in schools. The people who participate in the senior companions and the foster grandparents programs are elderly people, low income who are able to supplement their income by participating in this program. It's so important to allow them to do this, at the same time, they're helping others. There is a limit on the amount of income a person can make from this and they have to be willing to volunteer 20 hours a week. The money is needed to allow these programs to continue at the same level of service and I would urge your support.

Adopted. Referred to Finance under Rule 24.

HB 357-FN-A, Relative to respite care in area agencies and making an appropriation therefor. Ought to Pass with Amendment. Senator White for the Committee.

SENATOR WHITE: This bill appropriates \$240,000 over the bien-nium to the division of mental health and developmental disabilities. Again, it's very similar to the one that Senator Krasker just reported out and it deals with 200 hours of respite care. Basically, by allowing these people to stay in their home environment the cost of the State is very much decreased. We're saving thousands of dollars per child and I think it's beneficial to the parents or the people who are taking care of them to have sometime off that they can take whenever they want to take the time off. We felt that this is a very needed bill and we urge your support.

#### AMENDMENT TO HB 357-FN-A

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation. The sum of \$240,000 for the biennium ending June 30, 1989, is hereby appropriated to the division of mental health and developmental services, department of health and human services, for the purposes of increasing respite care services in area agencies. This sum shall be in addition to any other sums appropriated to the division of mental health and developmental services. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

2 Effective Date. This act shall take effect July 1, 1987.

Amendment Adopted. Referred to Finance under Rule 24.

Recess

Out of Recess

Senator Hounsell in the chair.

HB 575-FN, Relative to certification standards for laboratories. Ought to Pass. Senator Bond for the Committee.

SENATOR BOND: HB 575 establishes a voluntary laboratory certification program for laboratories engaged in testing for hazard. Laboratories may be certified by the division of waste management upon request. This bill is requested by the division of water supply and pollution control and the division of waste management.

Adopted. Ordered to Third Reading.

HB 376-FN-A, Relative to Alzheimer's disease and related disorders and making an appropriation therefor. Ought to Pass. Senator Krasker for the Committee.

SENATOR KRASKER: This bill establishes a respite care service for primary care-givers of persons suffering from Alzheimer's disease and related disorders. The people who testified before our committee told us of the real difficulty of providing 24 hour care for people with Alzheimer's disease. This would allow them to get some rest, to have some people come in and help them in the care of these people. The bill does have a maximum cap of \$900 a calendar year per eligible person for the respite care. It's very necessary. The legislature has indicated in a previous session its commitment to helping families who have family members with Alzheimer's and I would urge your adoption.

Adopted. Referred to Finance under Rule 24.



HB 303-FN, Relative to fees collected by the New Hampshire port authority. Ought to Pass. Senator Preston for the Committee.

SENATOR PRESTON: This bill pertains to fees collected by the New Hampshire port authority. They are now in charge of some 1200 moorings and this gives clear statutory authority to the port authority to collect fees. The fees and how they will be expended are addressed in the budget itself.

Adopted. Ordered to Third Reading.

HB 439, Relative to child passenger restraints. Ought to Pass with Amendment. Senator Preston for the Committee.

SENATOR PRESTON: This bill removes an exception to the child passenger restraints requirement and it pertains to vehicles that were manufactured before 1967. It pertains to about 9,000 vehicles now on the road and we think that the child safety should pertain to them as well.

The amendment exempts school buses and antique motor vehicles or motorcycles as defined in the RSAs.

#### Amendment to HB 439

Amend RSA 265:107-a, II(a) as inserted by section 1 of the bill by replacing it with the following:

(a) The motor vehicle he is driving is regularly used to transport passengers for hire, is a school bus as defined in RSA 259:96, or is an antique motor car or motorcycle as defined in RSA 259:4; or

Division Vote:

14 Yeas

2 Nays

Amendment Adopted. Ordered to Third Reading.

HB 440, Relative to intrastate motor carriers. Ought to Pass with Amendment. Senator Pressly for the Committee.

SENATOR PRESSLY: The committee felt that the burden should not be placed upon the motor carrier and we encouraged the people who spoke to this to pursue a different route and do this through the state and licensing process. However, we did put on a very small amendment that is very different from what is on the original bill. It appears on page 15 and it simply was a request that be placed in the statutes under motor carriers. The one sentence, that all rates and

charges filed by motor carriers shall be just and reasonable and that is now the full content of 440. The committee recommends ought to pass as amended.

Amendment to HB 440

Amend section 1 of the bill by replacing it with the following:

1 New Paragraph; Motor Carriers. Amend RSA 375-B:13 by inserting after paragraph III the following new paragraph:

IV. All rates and charges filed by motor carriers shall be just and reasonable.

Amendment Adopted. Ordered to Third Reading.

HB 492, Relative to motor vehicle certificates of origin, joint ownership, and fraud. Ought to Pass with Amendment. Senator Preston for the Committee.

SENATOR PRESTON: The amendment deals with problems regarding certificates of origin. There had been some duplicates of certificates of origin issued to vehicles in the past to an agency or dealer that went bankrupt. Section 3 allows no altering of certificates of origin and it's not now addressed in the law. If there is a duplicate issued it must be stamped duplicate. Section 3 says that all State Senators talking while we're speaking shall donate \$100 to child abuse fund. Section two said that if a joint owner is a nonresident and he cannot register between a son, for example, who is out of state and a mother living in state, that they would now be allowed to register that vehicle. It's not now allowed if an owner resides out of state. This will be followed by a floor amendment because the drafter in legislative services, in drafting the amendment, did not address the bill that was passed in the last session. He addressed the 1985 statute so the floor amendment that will be forthcoming is nothing more than a couple of word changes that are addressed in the 1986 RSA.

Amendment to HB 492

Amend the title of the bill by replacing it with the following:

AN ACT

relative to motor vehicle certificates of origin,  
joint ownership, and fraud; and relative to  
motor vehicle titles and dealer bonds.

Amend the bill by replacing all after section 3 with the following:

4 Motor Vehicle Dealers; Bond Required; Time Period. Amend RSA 261:98 to read as follows:

261:98 Bond Required. Every dealer of new, used or junk motor vehicles or motorcycles [shall have an established place of business within], having a place of business in the state of New Hampshire [and], shall provide a bond or equivalent proof of financial responsibility in accordance with this subdivision to secure the dealer's obligation to purchasers who suffer loss by reason of purchase from the dealer of a stolen motor vehicle, title to which is thereby rendered defective. [A dealer who principally operates a wholesale motor vehicle business shall not be required to have an established place of business.]

5 Filing. Amend RSA 261:99 to read as follows:

261:99 Filing of Bond. Dealers shall be required to file a bond or equivalent proof of financial responsibility in accordance with this subdivision with the department.

6 Motor Vehicle Dealers; Amount of Bond Required. RSA 261:100 is repealed and reenacted to read as follows:

261:100 Amount of Bond Required.

I. Except as provided in RSA 261:101, each dealer shall be required to file annually bonds in the following amounts, dependent on the length of time said dealer has done business under the same name in the community:

(a) under one year \$20,000

(b) over one year, but less than 2 years \$15,000

(c) over 2 years \$10,000

II. A separate bond shall be required for each different name under which the dealer conducts his business and for each community in which the dealer has a place of business in the amounts required in RSA 261:100, I. Past business experience, prior to January 1, 1988, shall be taken into account in determination of the amount of the bond required.

III. Any dealer which is covered by an association bond as provided in RSA 261:101 shall only be covered under one name in one community. A dealer covered under RSA 261:101 who has a place of business in more than one community shall file a separate bond as provided in this section for each separate community in which he operates.

7 Dealer Association Bond. RSA 261:101 is repealed and reenacted to read as follows:

261:101 Dealer Association Bond. Any automobile dealers association which is approved by the director may file a bond or equivalent proof of financial responsibility in the amount of \$100,000, and under the terms and conditions acceptable to the director. Any dealer who is a member of such approved association shall be covered by such bond or other document and shall not be required to file a bond as provided in RSA 261:100. The association shall immediately notify the director of any dealer who has been covered under the association bond who ceases to be a member of the association.

8 Effective Date.

I. Sections 4, 5, and 7 of this act shall take effect upon its passage.

II. Sections 1 and 3 of this act shall take effect January 1, 1988.

III. Section 2 of this act shall take effect 60 days after its passage.

Amendment Adopted.

SENATOR PRESTON: I would like to offer a floor amendment that addresses the statutes of 1986 instead of 1985, strictly housekeeping and it makes no changes of significance over and above, what I just prepared for you.

SENATOR JOHNSON: Senator Preston, is your floor amendment intended to fill in these blank pages four and five of this bill, is that what's behind that?

SENATOR PRESTON: No, I think that's another mistake by legislative services, Senator Johnson. That passed the deputy commissioner of safety, I got a call at home and he approached me this morning. He said that in drafting the amendment that you see in the calendar, they left out the wording of established dealerships, something to that effect, and it did not address the current wording of the statute. That's the only change in the floor amendment that you received as to what's in the calendar. There's nothing else in there and it was requested by the department of safety to correct the error.

Floor Amendment to HB 492

Amend the title of the bill by replacing it with the following:

AN ACT

relative to motor vehicle certificates of origin,  
joint ownership, and fraud; and relative to  
motor vehicle titles and dealer bonds.

Amend the bill by replacing all after section 3 with the following:

4 Motor Vehicle Dealers; Bond Required; Time Period. Amend RSA 261:98 to read as follows:

261:98 Bond Required. Every dealer of new, used or junk motor vehicles or motorcycles shall have an established place of business within the state of New Hampshire and shall provide a bond or equivalent proof of financial responsibility in accordance with this subdivision to secure the dealer's obligation to purchasers who suffer loss by reason of purchase from the dealer of a stolen motor vehicle, title to which is thereby rendered defective. A dealer who principally operates a wholesale motor vehicle business shall not be required to have an established place of business.

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- (a) under one year \$20,000
- (b) over one year, but less than 2 years \$15,000
- (c) over 2 years \$10,000

II. A separate bond shall be required for each different name under which the dealer conducts his business and for each community in which the dealer has a place of business in the amounts required in RSA 261:100, I. Past business experience, prior to January 1, 1988, shall be taken into account in determination of the amount of the bond required.

III. Any dealer which is covered by an association bond as provided in RSA 261:101 shall only be covered under one name in one community. A dealer covered under RSA 261:101 who has a place of business in more than one community shall file a separate bond as provided in this section for each separate community in which he operates.

7 Dealer Association Bond. RSA 261:101 is repealed and reenacted to read as follows:



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8 Effective Date.

I. Sections 4, 5, and 7 of this act shall take effect upon its passage.

II. Sections 1 and 3 of this act shall take effect January 1, 1988.

III. Section 2 of this act shall take effect 60 days after its passage.

Floor Amendment Adopted.

SENATOR CHARBONNEAU: What is the amount right now on the bonding?

SENATOR PRESTON: The bonding actually increases the amount to \$10,000 for dealers. Over a certain period of years, Senator, as you see in the amendment, it went down to twenty-five hundred dollar bonding. Well, with the price and so forth of today's vehicles, they have increased the bonding so that the floor is now \$10,000. Every dealer must put in at least \$10,000 instead of \$2,500. That's the only change. It was an increase.

Ordered to Third Reading.

HB 509, Relative to boat maintenance or repair plates. Ought to Pass Senator Preston for the Committee.

SENATOR PRESTON: This is just another category of number plates. Presently, we have no repair plates for boat repair boats. One dealer testified that you might put 50 boats back in the water on the lakes and if you wanted to road test after repairing it, not being a dealer, he didn't have the legal authority to take it out in the lake and back. That's the only use. If they are used for any other purpose they can be fined. The repair service agencies would have the rights to dealer plates to repair them.

Adopted. Ordered to Third Reading.

Recess

Out of Recess

Senator Dupont in the chair.

### ENROLLED BILLS

HB 50, Relative to utilization of the Hampton parking meter revenues.

HB 71, Relative to the fiscal note process.

HB 95, Relative to hunting accidents

HB 146, Relative to sunset review of the department of health and human services office of the commissioner.

HB 166, Renewing the department of health and human services-division of public health services-electrologists for 4 year.

HB 227, Requiring notification of late payments by subcontractors to unions.

HB 244, Establishing a study committee to review existing fire laws.

HB 316, Permitting refunds for stamps destroyed after affixing to tobacco products.

HB 515, Relative to liens in favor of home health care providers.

HB 545, Establishing a task force on homelessness.

HB 656, Relative to cruelty to animals.

SB 101, Relative to political campaign contributions by state employees.

SB 123, Amending ward lines for the city of Portsmouth.

SB 214, Relative to the allocation of the state's tax-exempt private activity bond limit.

SB 218, Relative to clean indoor air in restaurants.

Adopted.

### TAKEN FROM THE TABLE

Senator Krasker moved to take HB 626 from the table.

HB 626-FN, Relative to medication specialists.

Adopted.

SENATOR KRASKER: Last week we tabled HB 626 because the opponents of the bill wanted to see if they could come up with some alternatives to the bill. In that interim there has been some movement by the Division of Mental Health and Developmental Services. I hope that you all have in your possession a letter from Donald Shumway. I've asked to have this distributed to you. I will just very briefly summarize a few of the paragraphs. I hope that you will read the entire letter.

"Dear Senator Krasker, At your request, we've again carefully considered alternatives to immediate passage of HB 626. We have examined the likely impact of enhanced recruiting efforts, salary upgrades and other means to attract more licensed nursing personnel into the State system. Our conclusion is that our problems are, if anything, more pressing now than when we sought this legislation. As of yesterday, 24 of 95 permanent nursing positions at New Hampshire Hospital were vacant. Seven of 22 similar positions were vacant at Glencliff. We've been forced, this is Dr. Shumway talking, we've been forced to close a ward in Toby Building at New Hampshire Hospital because we could not provide minimum adequate nursing coverage. This action has caused some overcrowding and less than ideal conditions regarding the mix of patients on the remaining wards. I've been told that they very possibly, in May, may close another ward; that in five months they haven't accepted an admittance to the geriatric section because they don't have nursing staff to take care of these patients."

On page two they have said that they would like to maintain a dialogue with representatives of the nursing profession to continue to receive their advice and consultation on personnel issues. To this end, they will establish advisory committee with participation of nurses from within and outside the system. The committee will be charged with reviewing the personnel structure in our system and making recommendations regarding alternative structures, recruiting programs, educational incentives. They would also request that the committee review and advise upon any programs or plans to carry out the authority given by HB 626. Members of the Senate, those of us on Public Institutions committee who voted for this, feel that the emergency situation exists. It probably can't be remedied for a number of years. This would at least provide the availability to

provide service to patients and I would hope that you would adopt this as the emergency measure that we see it so that care of patients can continue at these institutions.

SENATOR PODLES: Senator Krasker, I read Don Shumway's letter. If there is such a nurse shortage, shouldn't we address this shortage and provide some kind of a solution for the future? Rather than what we're doing now for just temporary purposes?

SENATOR KRASKER: I would hope that as a State, we would be addressing the nursing shortage which is widespread and has been long term. Many years ago there were many of us who advocated an upgrade of nursing salaries that certainly would have helped. There's a great difficulty now in recruiting at our State institutions. The pay is not competitive with private institutions and there's a great difficulty in dealing with this specialized kind of patient. Yes, we should begin to address it. Salary upgrades certainly would help, but as you attract new nurses you're talking about a long range situation that probably can be taken care of in three, four, five, six years. We're talking about now!

SENATOR PODLES: Then would you agree with me that if we pass 626 we are just doing something temporarily and that problem is going to come up over and over again. Would you agree with me?

SENATOR KRASKER: I have to answer the question my way which is yes, I hope it's temporary.

SENATOR BARTLETT: Senator Krasker, if I read this, does this not say that we are allowing people, in the care of the State of New Hampshire, to receive less professional care than anywhere else?

SENATOR KRASKER: I met in my office with Don Shumway and Shirley Girard and I have to tell you what Don Shumway said to me and to Shirley. He said, we're not talking about two standards of care, we're talking about care or no care. That's the way he put it and I would rather give you his words.

SENATOR BARTLETT: I'd rather have your words. There is no incentive under this legislation to correct the existing problem, is there?

SENATOR KRASKER: I think the incentives would have to come elsewhere. This would grant the same kind of waiver as we granted at Laconia and unfortunately, we didn't put anything into that bill to offer an incentive.

SENATOR BARTLETT: How long ago was the waiver given to Laconia?

SENATOR KRASKER: Six years.

SENATOR BARTLETT: Is the waiver still in effect?

SENATOR KRASKER: That's right, because we never took care of the situation as we should have.

SENATOR HOUNSELL: Senator Podles, I'm a little bit concerned. I too, recognize that it's a temporary solution to a very real and major problem that we have to deal with. Could you tell me what I could tell Sandy Knapp, the superintendent of Glencliff, when she asks me how she's going to meet the immediate needs to provide this type of care to her constituents right now?

SENATOR PODLES: I think you should ask her who's going to be liable. Whether it's going to be the nurse, the institution or the physician, because that is very unclear in the current law.

SENATOR HOUNSELL: Could you tell me who would be liable if a patient should have some difficulty because there was no one to administer medicine and that person died because there was no medicine offered. Who would be liable at that point?

SENATOR PODLES: They have a responsibility. The institution has a responsibility.

SENATOR NELSON: Senator Krasker, I would like to ask again a question that might have been asked in a different form. That is do you believe with the passage of this bill we would be setting up two levels of care in this State? One for patients in private hospitals and one for patients in public institutions?

SENATOR KRASKER: In terms of providing for trained medication specialists, yes.

SENATOR BARTLETT: Senator Hounsell, I didn't really follow what you were referring to and maybe you can help me. I gathered by your statement that you were saying if there was no nurse to take care of the person and the person carried on, became more sick or passed away, there would be liability on someone's part. Is that your question?

SENATOR HOUNSELL: My answer was to a question that was asked me about liability. What I asked was who would be liable. No,



I asked Senator Podles this question, she answered about liability. Would you rephrase your question?

SENATOR BARTLETT: If I understood your question and I'm asking you, did I understand your question, that if someone was not present to medicate a patient, would the State be liable?

SENATOR HOUNSELL: I asked that question.

SENATOR BARTLETT: What would be the liability if someone who was untrained and for some reason or other gave the wrong medication?

SENATOR HOUNSELL: The effect, regardless of who is liable, would be that there would not be service provided. I contend that it is better to have a service provided with people with limited training than no training at all and no service at all. This bill provides that there'd be some sort of program and procedure by which these people will have to be trained. I recognize that that's not the best and the ideal situation, but I contend that it's better than having no one there. So, the liability question doesn't enter into it.

SENATOR BARTLETT: Then how come we were talking about it?

SENATOR HOUNSELL: Because Senator Podles asked me.

SENATOR TORR: Senator Krasker, in the second paragraph it indicates the shortage of 24 persons for 95 positions. Since there's been a reduction of patients at the New Hampshire Hospital, has the permanent positions been reduced in accord with that?

SENATOR KRASKER: I don't know that. I can't give you that answer. Paragraph 2 is consistent with the testimony that we received at the hearing except, as he says, the situation is even worse and since that time one ward has been closed. That information wasn't present at the hearing.

SENATOR TORR: The bottom paragraph indicates that it's a female occupation. Would you believe that I do not agree with that, because there are more male persons going into the nursing field?

SENATOR KRASKER: I would only answer that by saying, heretofore it has been primarily a female occupation. I'm glad more men are going into it. I hope that means that the salaries are going to be increased as generally happens when men go into professions.

SENATOR BOND: There is a nursing shortage. There are no young people going into nursing. We've heard that evidence in the last couple of days in the Education committee. We're looking at incentives to try and make it easier for young people to enter the nursing profession. This bill deals with a concern which does not require a registered nurse to provide meds. The Laconia State School is handing over 500,000 distributions of meds with a tenth of one percent error rate. The handling of the meds is prepackaging by the pharmacy, they are distributed by people who are given a training program. They are not handed to someone who walks in off the street and two days later is put in handing out meds. There is a tight procedure for applying meds to patients in the state hospital or in Glenn-cliff. The thought I'd like to leave you with, and I feel sad saying this because I've been very supportive of the nursing profession and I highly support the nursing profession and I would like to feel that this is not so. But what I see here is the nursing profession doing to non-professionals what the MDs are accused of doing to them. It does not take a registered nurse to give out a couple of aspirin. If the aspirin are packaged and the person who hands out the aspirin is supervised. That can be a much more potent medicine than aspirin. It still does not require that degree of training. I'd like you to consider that this is not a problem that is going to go away in the next six weeks, six months or maybe even six years. The nursing profession is in trouble right now in terms of recruiting people and this is a solution that we have to deal with if we are going to meet our responsibilities in the State.

SENATOR WHITE: Senator Bond, then you feel very confident that if the medication is prepackaged and handed out, that there really isn't any danger in this bill?

SENATOR BOND: That's my honest opinion if the person is supervised and the State has the responsibility to do.

SENATOR WHITE: Do you further believe that this is not just the State of New Hampshire's problem, but it's nationwide in the shortage of nurses?

SENATOR BOND: I think that we are all aware of that.

SENATOR NELSON: Senator Bond, how many hours are the training courses of these medication specialists?

SENATOR BOND: Senator Nelson, I have heard that completely, but I do not have the material here and I did not memorize them.

SENATOR NELSON: Who presently gives the medications out at Glencliff now?

SENATOR BOND: The nurses.

SENATOR NELSON: If this bill does pass, who will give out the medications?

SENATOR BOND: What nurses are left.

SENATOR NELSON: Do you know how many hours nurses receive in training?

SENATOR BOND: Depends on whether they have an associate's degree program or a bachelor's program.

SENATOR NELSON: What happens if the condition of the patient changes? Say the medication is given to the patient, this little wrapped up single pill that anyone can give, even if you have a degree now, and there's a change in the condition of the patient. Is this person giving the medication going to be trained to make those kinds of medical observations?

SENATOR BOND: I wouldn't expect so.

SENATOR HOUNSELL: I'm going to be very brief. First of all, Senator Nelson, this is not a bill to do away with nurses. This is a bill that is going to fill a void that we need to fill right now. I don't usually stand in agreement with a lot of the bills on the health issues with Senator Krasker, but I do know this, Senator Krasker is very in tune to some of the needs. Senator Krasker held a hearing. The committee made a recommendation that we have before us. I find it interesting that last Thursday, it probably would have passed if it wasn't for accommodating Senator Hough who wanted to work on this bill. I don't see a floor amendment so, Senator Hough, I wonder if you'll have a floor amendment later. I think that what we're talking about now is that we have a bill before us that is going to fill a void and is needed. I find it unfortunate that the nursing lobby has been very active, has got votes from people who are going to miss a golden opportunity to fill this void immediately, because of that type of pressure. I think that the nursing association, the lobby, should be a little bit ashamed of themselves because there's no one in here who's going to vote for this bill who are against their endeavors. This bill is needed; it's needed very much and I would urge that you would put aside all of the pressures that have been taken place and vote based upon the need.

SENATOR JOHNSON: I agree with Senator Hounsell, there is an urgency to pass this bill, Senator Bond. I agree with Senator Bartlett; he asked about an incentive and, as written, there isn't an incentive in here. Senator Bartlett, I have waiting here, if this bill is passed, a floor amendment that will indeed provide an incentive; It will limit this authority to a three year period and that ought to serve as an incentive. I rise in support of this bill with some misgiving. It's not a clearcut issue. I have only respect and admiration for the nurses. I've no intent to diminish the prestige of the nurses. I'd like to call your attention to a sentence in the middle of the third paragraph of the Shumway letter. It's the fourth sentence from the bottom of that paragraph and let me quote it quickly, "many nurses do not wish to work with our clients regardless of salary levels". One of my dearest and closest friends died in the New Hampshire Hospital grounds over there from Alzheimer's disease. I visited him on numerous occasions during that unfortunate period and every time I came away from that hospital, I said to myself, thank God that there are people that are willing to work at the New Hampshire Hospital. I remember having similar feelings, having visited the Laconia State School some years back. Those feelings are quite as real as when I saw my close personal friend passing away at the New Hampshire Hospital. But thank God there were people who were willing to work over there. In the inner recesses of myself, I asked, would I be willing to do that and how much money would I have to be paid to attend to those unfortunate people over there. So, I think there is a key question here that Shumway raises that we're not going to have the staffing at these facilities, almost regardless of the salary levels there. If this is adopted, I do have a floor amendment that will limit this authority to a three year period and I hope that you would regard that as an incentive in this bill. I don't think this situation should obtain indefinitely and the amendment that I will offer will limit that authority to a three year period.

SENATOR PRESTON: This bill is in no way an effort to dilute the quality of services as I see it. We addressed some years past a waiver to allow the Laconia State School to do essentially the same thing and they're doing it up there very successfully. The qualifications were clearly spelled out at the hearings regarding six months probationary period, completing a nine day orientation program, which includes a 24 hour course in nursing skills, nine hour course in feeding technique, eight hour class on behavior management, so this is not an effort to have anyone walk in off the street, as Senator Bond said, to address the problem. If I hadn't spent over 30 years living with a constituent that's a registered nurse and happens to be

my wife, that I'd say they were grossly underpaid. If I were the RNs or if I were sitting in that balcony as a lobbyist for the association, I think this was the best debate that I'd ever heard and I fully support this bill. I notice that there's an FN on this bill and I don't see why there is because they say there's no cost to it. But Senator Bartlett and the rest, if you want a little incentive and get the association down there, it may be a great opportunity to address paying nurses proper salaries to properly care for the people. I'll support Senator Johnson's amendment for three years and maybe we can address more programs in the voc-tech schools because we're not attracting enough people in private hospitals to carry the programs on. If we really mean it, let's pay them more money, we'll attract more nurses. We just passed a bill 20 minutes ago to plead with Canadians to come into the area to forgo waiting periods for licensing and everything else. You don't have to compensate or try to feel bad about offending any registered nurse whether you have a registered nurse as a wife or not. Vote for this for better care now and work for the Mrs. later.

SENATOR BARTLETT: Senator Preston, am I correct that the waiver was six years ago at the Laconia State School?

SENATOR PRESTON: Seven years

SENATOR BARTLETT: Do you have any idea what the population was seven years ago, as opposed to today at the Laconia State School?

SENATOR PRESTON: It was substantially larger Senator, but it's the question of having registered nurses.

SENATOR BARTLETT: If we have reduced them, then why is the waiver still necessary for the Laconia school other than convenience?

SENATOR PRESTON: I guess even though we've reduced the population at the state hospital from 2500, when I first came here, to 500 and there's still a further shortage. So, that further indicates a need for the bill. If that's the point that you're trying to make in support of this bill.

SENATOR BARTLETT: Would you believe that really, until you have some true incentive to do this, we're going to continue to make waivers and continue to dilute care.



SENATOR PRESTON: If you want to increase and have better care you've got to vote for this bill Senator.

SENATOR HOUGH: The remarks that I made here last week are still the remarks that I wish to make. Senator Blaisdell has not seen his wife since January and he is about ready to leave us. We are prepared to vote and I think that we can vote without further discussion. I just caution you to remember that the State institutions should not have any different standard and we should not be suspending the nurse practice act for our State institutions. With that, I would urge you to vote against the present motion which is the committee report of ought to pass. And I would request a roll call vote.

Question: Ought to Pass

Senator Hough requested a Roll Call.

Senator Chandler seconded.

Those in favor: Senators Bond, Hounsell, Heath, Roberge, White, Pressly, Charbonneau, McLane, Johnson, St. Jean, Preston and Krasker.

Those opposed: Senators Freese, Hough, Dupont, Chandler, Disnard, Blaisdell, Nelson, Podles, Stephen, Bartlett, Torr and Delahunty.

12 Yeas

12 Nays

Motion fails.

Senator Hough moved to substitute Inexpedient to Legislate.

Senator Hounsell moved to table the bill.

Adopted.

### RESOLUTION

Senator Hounsell moved that the rules of the Senate be so far suspended as to allow all bills to be placed on third reading and final passage, all titles be the same as adopted, and that they be passed at the present time.

Adopted.

### Third Reading and Final Passage

HB 250-FN-A, An act making an appropriation to the Conway vil-

lage fire district authorizing the Conway village fire district to issue bonds, and relative to funding waste water treatment systems.

HB 408-FN, Relative to establishing a uniform fine schedule for boating violations.

HB 184, Relative to docking on public waters of the state.

HB 220-FN, Relative to the removal of petroleum powered vehicles from surface waters of the state.

HB 156-FN, Relative to sunset review of nurses registration board.

HB 168-FN, Relative to sunset review of joint board of engineers, architects and land surveyors, and relative to exemption from regulation of the design, construction and alteration of certain small structures.

HB 292-FN, Permitting certain group II members who serve with the police standards and training council or with the fire standards and training commission to continue as group II members of the New Hampshire retirement system.

HB 633-FN, Relative to unlicensed funderal home employees and funeral home inspections.

HB 114-FN, Relative to sunset review of dental board and relative to continuing education and confidentiality of certain hearings by the dental board.

HB 102-FN, Relative to sunset review of the office of legislative services.

HB 120-FN, Relative to sunset review of the plumbers board.

HB 442, Extending certain temporary rulemaking authority of the commissioner of labor.

HB 135-FN, Relative to sunset review of the public utilities commission - administration and support.

HB 391, Creating a division of agricultural development in the department of agriculture using currently available funding and personnel.

HB 517, Relative to assessments for sewer rental charges.

HB 666-FN, Relative to medical insurance payments for incarcerated persons.

HB 241-FN, Relative to workers' compensation.

HB 702-FN, Relative to workers' compensation, medical and vocational, rehabilitation benefits.

HB 671-FN, Relative to disability benefits for firefighters.

HB 165-FN, Relative to sunset review of the department of employment security and relative to appellate procedure in such department.

HCR 3, Relative to accidents involving nuclear power plants.

HB 575-FN, Relative to certification standards for laboratories.

HB 303-FN, An act relative to fees collected by the New Hampshire port authority.

HB 439, An act relative to child passenger restraints.

HB 440, An act relative to intrastate motor carriers.

HB 492, Relative to motor vehicle certificates of origin, joint ownership, and fraud; and relative to motor vehicle titles and dealer bonds.

HB 509, An act relative to boat maintenance or repair plates.  
Adopted.

Senator Hounsell moved that the Senate be in recess until Tuesday, April 28, 1987 at 1:00 pm for the sole purpose of receiving House Messages and Enrolled Bill Reports.

Adopted.

Recess

*Tuesday, April 28, 1987*

Out of Recess

Senator Dupont moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, and that when we adjourn, we adjourn until Tuesday, April 28, 1987 at 1:00 p.m.

Adopted.

## LATE SESSION

Senator Dupont moved that we adjourn.

Adopted.

*Tuesday, April 28, 1987*

Senate met at 1:00 p.m.

A quorum was present.

Prayer was offered by the Reverend Dr. Vincent Fischer, Senate Chaplain.

Let Us Pray. Lord, we thank you for the safe exit of those Senators and others from the fire at the Legislative Office Building! "Things must have gotten pretty hot" - but Bless us today as we take up the Cudgels and carry on!

Amen.

Senator Preston led the Pledge of Allegiance.

## INTRODUCTION OF GUESTS

## HOUSE MESSAGE

HOUSE ACCEDES TO REQUEST  
FOR COMMITTEE OF CONFERENCE

SB 12, Relative to the operation of motors on Clarksville Pond in the town of Clarksville.

The Speaker has appointed Reps. Dickinson, Dingle, Joyce and Blair.

## HOUSE CONCURS IN AMENDMENTS

HB 299-FN, Continuing pari-mutuel tax credits for dog races, and raising the limit therefor.

HB 248, Allowing the expulsion of unruly persons from horse and dog racetrack grounds.

HB 327-A, Relative to funding for a pulp and paper technology program at the New Hampshire vocational-technical college at Berlin.

HB 579-FN, Relative to combining the Peterborough and Jaffrey district courts and providing for the tenure of justices when judicial districts are combined.

HB 455, Relative to criminal mischief.

HB 454, Relative to proof of exceptions.

HB 686-FN, Relative to farm plates.

HB 383-FN, Relative to road tolls.

HB 306, Limiting the horsepower of boat motors on Marchs Pond and Chalk Pond in the town of New Durham and prohibiting the use of jet skis on said ponds and on Pine River Pond in the town of Wakefield.

HB 503, Relative to regulation of existing weirs.

#### HOUSE CONCURS

SB 92, Relative to special elections for city and ward officers.

SB 137, Relative to voting in state and presidential primary elections.

SB 97-FN, Establishing a study committee relative to the feasibility of one-way tolls on part of the turnpike system.

SB 28-FN, Relative to naming an unnamed route between state Route 175 and U.S. Route 3, in the towns of Holderness and Plymouth, Route 175-A.

SB 74-A, Relative to the port authority.

SB 103, Relative to motor vehicle license examinations.

SB 105-FN, Relative to the central interagency motorpool study committee.

SB 221-FN-A, Relative to the due date for the meals and rooms tax return.



SB 158, Relative to limitations of prosecutions of sexual assault offenses.

SB 94, Providing the legislative budget assistant with access to certain records.

SB 99-FN, Establishing a study committee to determine whether the department of transportation has fully implemented the legislative directives of the general court.

#### HOUSE NON-CONCURS

SB 16, Allowing the award of attorney fees, court costs, and reimbursement of collection agency fees in actions to collect debts.

SB 166-FN, Abolishing the sunset review process.

SB 190-FN, Relative to financial disclosure by appointed officials.

SB 111, Relative to electing zoning board of adjustment members.

SB 151-A, Relative to traffic improvements at the intersection of New Hampshire routes 9 and 155 and making an appropriation therefor.

SB 157, Relative to the relocation of toll booths or widening of access traffic arteries that are determined to be a major bottleneck to the motoring public.

SB 207-FN, Relative to the funding of catastrophic illness from taxes on tobacco products.

SB 144-FN, Establishing a joint promotional program for economic development, and making an appropriation therefor.

#### HOUSE RE-REFERRED TO COMMITTEE

SB 132, Relative to the appointment of the executive director of the department of fish and game.

#### COMMITTEE REPORTS

HB 280, Relative to water usage. Interim Study. Senator Hounsell for the Committee.

SENATOR HOUNSELL: We held a hearing on this bill and felt that it was an important issue to consider. However, with the various

amount of bills and the important issues that we are currently undertaking through recodification we felt that it was untimely and we recommend interim study.

Adopted.

HB 562-FN, Relative to fireworks. Ought to Pass with Amendment. Senator Preston for the Committee.

SENATOR PRESTON: This bill gives the director of the Division of State Police the authority to adopt rules relative to the licensing to sell, store, and transport fireworks and allows them to conduct exams for those handling certain classes of explosives. It would allow local fire chiefs veto power whether a display of fireworks should be held or not. It really is in the best interest of public safety.

SENATOR WHITE: Senator Preston, what is the effective date of this piece of legislation?

SENATOR PRESTON: January 1, 1988.

SENATOR WHITE: I'm sorry but I planned to work on this last night but I didn't remember it until it just got spoken to. We have a fireworks company in Jaffrey that is very concerned about this. Apparently, they tried at several times to get to the hearing and the hearing dates kept being changed. They're concerned that all the displays that they have on the 4th of July will not be able to be held. Not because of the amendment but because of the bill itself and I just wondered if I could make a motion at this time, Mr. President.

SENATOR PRESTON: To allay any fears, there were those that manufacture fireworks, there had been an accident in Seabrook two or three years ago and I believe one or two people were killed and a couple severely burned. This would not prohibit, as I understand it, anyone from the manufacturer or putting on the display as they do at the beaches or at the lakes and so forth during the summer. So, to establish rules and regulations for the manufacturer of the handling, storage and transportation to avoid such accidents. The purpose isn't to prohibit anyone from putting on firework displays. I asked that question because you know in my area, we do have a manufacturer and they do put on large displays during the summer months and I shared your concerns and I was told that will not occur as a result of this bill.

Senator White moved to have HB 562-FN Laid on the Table.

Adopted.

HB 421, Permitting the appointment of alternate members to conservation commissions, and clarifying the authority of conservation commissions to spend funds appropriated to them. Ought to Pass with Amendment. Senator Hounsell for the Committee.

SENATOR HOUNSELL: The amendment appears on page 8. This bill permits the appointment of alternate members of the municipal conservation commissions. It gives that member voting rights. This is important because if some of the ongoing work of the final base commission, it makes it easier for them to stay on top of them, changing laws and it gets their things done, especially if the land trust gets into effect, some of these communities will be dealing with that and they need to be able to keep a quorum.

The amendment that appears in the calendar, the appropriations authorized tightens the language and makes it a lot more clear, not a little clearer, a lot clearer on how monies can be invested by a treasurer. It's enabling legislation that ties into current laws RSA 36:A and provides towns and cities to appropriate money as deemed necessary for the purpose of this chapter. We feel that the appropriation authorization tightens the language and that the alternate member would be there when needed and we urge your support.

#### AMENDMENT TO HB 421

Amend the title of the bill by replacing it with the following:

An Act

relative to conservation commissions.

Amend the bill by replacing section 2 with the following:

2 Authorization for Appropriation; Conservation Commission.  
Amend RSA 36-A:5 to read as follows:

36-A:5 Appropriations Authorized. [For the purposes of establishing and maintaining a conservation commission to promote the better utilization of our natural resources, as authorized by section 2, a town or city may appropriate moneys as is deemed necessary.]

I. A town or city, having established a conservation commission as authorized by RSA 36-A:2, may appropriate money as deemed necessary for the purpose of this chapter. The whole or any part of

money so appropriated in any year and any gifts of money received pursuant to RSA 36-A:4 may be placed in a conservation fund and allowed to accumulate from year to year. Money may be expended from said fund by the conservation commission for the purposes of this chapter without further approval of the town meeting.

II. The town treasurer, pursuant to RSA 41:29, shall have custody of all moneys in the conservation fund and shall pay out the same only upon order of the conservation commission. The disbursement of conservation funds shall be authorized by a majority of the conservation commission. Prior to the use of such funds for the purchase of any interest in real property, the conservation commission shall hold a public hearing with notice in accordance with RSA 675:7.

3 Duties of Town Treasurer; Conservation Fund. Amend RSA 41:29 to read as follows:

41:29 Duties. The town treasurer shall have custody of all moneys belonging to the town, and shall pay out the same only upon orders of the selectmen, or, in the case of a conservation fund established pursuant to RSA 36-A:5, upon the order of the conservation commission. He shall deposit [the same] all such moneys in solvent banks in the state, except that funds may be deposited in banks outside the state if such banks pledge and deliver to the state treasurer as collateral security for such deposits United States government obligations, United States government agency obligations, or obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case. Said out-of-state banks shall make a monthly report of such deposits to the state treasurer. The amount of collected funds on deposit in any one bank shall not for more than 20 days exceed the sum of its paid-up capital and surplus. The town treasurer shall keep in suitable books provided for the purpose a fair and correct account of all sums received into and paid from town treasury, and of all notes given by the town, with the particulars thereof. At the close of each fiscal year, he shall make a report to the town, giving a particular account of all his financial transactions during the year. He shall furnish to the selectmen statements from his books, and submit his books and vouchers to them and to the town auditors for examination, whenever so requested. Whenever the town treasurer has in his custody an excess of funds which are not immediately needed for the purpose of expenditure, he shall, with the approval of the selectmen, invest the same in obligations of the United States government, in savings bank deposits of banks incorporated under the laws of the state of New Hampshire or in certifi-

cates of deposits of banks incorporated under the laws of the state of New Hampshire or in national banks located within this state or the state of Massachusetts.

4 Effective Date. This act shall take effect 60 days after its passage.

Amendment Adopted. Ordered to Third Reading.

HB 22, Relative to methods of hunting and possession of deer and moose and illegal night hunting. Ought to Pass with Amendment. Senator Hounsell for the Committee.

SENATOR HOUNSELL: The amendment that's in the calendar and is on page 7. It is very small and if you have the bill in front of you it just rewrites that language. The bill says it shall be unlawful for more than 6 persons to participate in a joint hunt for deer in which an effort is made to drive deer. The committee felt that that was a little bit confusing language and probably wasn't good grammar and we decided, with concurrence of Representative Bushy and also the department, that it should read as it appears in the calendar, which says simply "it shall be unlawful for more than 6 persons to participate in a drive to take deer". Other than that we believe that the bill should have your support. There was no opposition in committee; there was no opposition in the House; it was passed unanimously by the House committee and on consent calendar. We urge you to support the amendment and the passage of the bill.

#### AMENDMENT TO HB 22

Amend RSA 208:7, III as inserted by section 1 of the bill by replacing it with the following:

III. It shall be unlawful for more than 6 persons to participate in a drive to take deer.

Amendment Adopted. Ordered to Third Reading.

HB 382, Relative to boating law enforcement. Ought to Pass. Senator St. Jean for the Committee.

SENATOR ST. JEAN: This bill defines waterways in which boaters, rafters and other users deal with misdemeanors for various mishaps on our lakes.

Adopted. Ordered to Third Reading.



HB 420, Restricting power boats on Hermit Lake in the town of Sanbornton and requiring the division of safety services to make a study and hold a hearing relative to boating on Lake Pemigewasset in the towns of New Hampton and Meredith. Ought to Pass. Senator Krasker for the Committee.

SENATOR KRASKER: There are two parts to this bill. The first part of the bill would restrict power boats on Hermit Lake in the town of Sanbornton to ten horsepower or less. Unlike some of the bills which would restrict horsepower on lakes, there was no opposition to this part of the bill. Hermit Lake is a very small lake. It's very shallow; it has about 24 floating islands with lots of roots. Loons nest there and it has a distinction of having, I think, the only bald eagle in the State flying over this lake.

The second part of the bill would require the Division of Safety Services to conduct a study and hold a hearing on boating on Lake Pemigewasset and a report will be made to the House Resources, Recreation and Development committee and the Senate Dev. Rec. committee to determine what should be done on that lake.

Senator Hounsell moved to have HB 420 Laid on the Table.

Motion Lost.

Question: Ought to Pass.

Adopted. Ordered to Third Reading.

HB 208-FN, Relative to the limit on trout taken by fly fishing in Clarksville Pond in the town of Clarksville. Ought to Pass. Senator Hounsell for the Committee.

SENATOR HOUNSELL: This bill partially reverses what we did in 1986 in that in 1986 we designated two ponds, Jones Pond in Middleton and Clarksville Pond in Clarksville, to be subject to a two fish limit. This was put in at the request of a constituent in that far northern community, Clarksville. The committee felt that this put a very unjust economic hardship on an individual establishment. We felt it was unfair. The commission came and spoke in favor of this bill and we urge the support of the Senate at this time.

Adopted. Ordered to Third Reading.

HCR 5, Supporting initiatives at all levels seeking to solve the potentially catastrophic problem of depletion of the earth's ozone layer. Ought to Pass. Senator Krasker for the Committee.

SENATOR KRASKER: Ozone depletion is becoming a more serious problem in this country and worldwide with the use of fluorocarbons and other chemicals. What this resolution does, very simply, is indicate that New Hampshire supports initiatives to solve the problem.

Adopted. Ordered to Third Reading.

HB 75-FN-A, Relative to registration fees for pesticide products. Ought to Pass. Senator Hounsell for the Committee.

SENATOR HOUNSELL: I really regret losing my notes on this one in the fire because that was a hearing that I thought was very well attended by the people who would be most affected by this. There was no opposition to this bill. Neither in the hearing that we held or in the House and it passed on the consent calendar. However, it does raise the registration fee from \$20 to \$30 and since it does that I think it's important to look at and to be able to identify any opposition. However, I can report to you that the people who are affected by this registration fee appeared in favor of this, particular Ken Marshall of the New Hampshire Farm Bureau who I find to be most reliable when talking about legislation that effects farmers. Representative Townsend, who used to be the commissioner of agriculture came, and he's the sponsor and he spoke in favor of this. The department of agriculture supports this. We find that it is necessary and an appropriate thing to do at this time and we urge your support.

SENATOR CHANDLER: On the front page of the amended analysis it says it increases the fee from \$20 to \$30 but on the amended bill it says it's raising it from \$20 to \$33.

SENATOR HOUNSELL: I'm going on the bill that's before me. I did loose my notes but it seems to me that \$33 is the correct figure but I would stand corrected. Thank you.

Adopted. Referred to Finance under Rule 24.

HB 655-FN, Relative to the testing of livestock in pulling contests. Ought to Pass. Senator McLane for the Committee.

SENATOR MCLANE: This bill adds cattle and oxen to the definition of animals who are tested for stimulants in livestock events and it also adds that the blood in these animals be used rather than, as we heard, waiting around for a urine sample. It adds a penalty mak-

ing it a misdemeanor. This is the same bill that we had in the last session having to do with using stimulants and it has been drafted correctly.

SENATOR HOUNSELL: I rise in support of this but I also feel that I'd like to at least have the record indicate a concern that was voiced to me that this may undo equine events. It's my understanding and the understanding of the committee that it does not undo equine events and it is our intent at least and I hope the intent of this body that we do not intend to undo any current legislation but to extend it to cattle and oxen. That's what we're basing our recommendation upon.

Adopted. Ordered to Third Reading.

HB 240-FN, Relative to septic inspections on waterfront properties and relative to creating 3 new positions within the division of water supply and pollution control and making an appropriation therefor. Re-referred to Committee. Senator Freese for the Committee.

SENATOR FREESE: This bill does provide for inspection of septic systems on waterfront property, within 200 feet of any pond, of 10 or more acres in size in this State. Basically, the idea proposed in this legislation is good. As a co-sponsor I support the bill's concept. However, it really does need more work. As it's written, it may create more problems than it accomplishes. In order for a licensed septic system inspector to inspect the system adequately he would have to do a perk test, dig pits and take other measures that will cost from \$1,000 to \$2,000 per system. We received testimony that the bill, as written, is unmanageable and that unless you dig up a system and essentially destroy it, you won't know the system's capacity.

On the other hand, we heard that half of the State approved systems installed since 1967 are at the point of failure or near failure. The problem requires a resolution and the committee wishes to study this bill and try to come up with some legislation that is manageable, that will make the bill effective and in view of that we hope that you will respect the committee's request for re-referral.

SENATOR CHANDLER: Senator Freese, I don't like to be picky but shouldn't the committee report be recommending to re-refer to committee.

SENATOR FREESE: I think that's what the report said.

SENATOR CHANDLER: No, you look at it.

SENATOR FREESE: It says re-referred to committee.

SENATOR CHANDLER: Yes, well, it hasn't been re-referred yet! Your report should be re-refer.

Adopted.

Senator Blaisdell moved to waive Rule 24 regarding HB 75-FN-A, Relative to registration fees for pesticide products.

Adopted. Ordered to Third Reading.

HB 152-FN, Relative to the sunset review of the board of education - administration and support. Ought to Pass with Amendment. Senator Disnard for the Committee.

Senator Disnard moved to recommit to committee.

Adopted.

HB 153-FN, Relative to sunset review of the board of education - financial aid. Ought to Pass. Senator Bond for the Committee

SENATOR BOND: HB 153-FN reviews what was only known as the board of education, educational financial aid in districts and is now financial aid in districts.

Adopted. Ordered to Third Reading.

HB 154-FN, Relative to sunset review of the board of education - special services. Ought to Pass. Senator Disnard for the Committee.

SENATOR DISNARD: This is a sunset bill, it renews the board of education - special services.

Adopted. Ordered to Third Reading.

HB 281-FN, Establishing a study committee on teacher shortages and salaries. Ought to Pass. Senator Nelson for the Committee.

SENATOR NELSON: This bill does exactly what it says. It will study the problems on teacher shortages in New Hampshire as well as other local and state interest in primary and secondary education. It came out of committee four to nothing.

Adopted. Ordered to Third Reading.

HB 661-FN, Changing the name of the department of postsecondary vocational - technical education. Ought to Pass with Amendment. Senator Disnard for the Committee.

Senator Disnard moved to have HB 661-FN laid on the table.

Adopted.

HB 366-FN-A, Making supplemental appropriations to the UNH cooperative extension service and to the board of veterinary medical examiners. Ought to Pass. Senator Bond for the Committee

SENATOR BOND: This bill appropriates \$110,000 to the New Hampshire cooperative extension services officially in 1987 to replace federal funding that has been withdrawn. This is a very important bill to the cooperative extension program which is a people oriented program that reaches out to the communities and we strongly urge your support of it.

In addition, it provides \$7,923 to pay the expenses of the veterinary medical examiners. Their secretary hasn't received a paycheck since last November. She's been continuing to work as a volunteer but we did feel that it was reasonable that this be funded.

SENATOR HOUGH: This appropriation is to supplement erosion of federal support to June 30th of this year?

SENATOR BOND: That is correct.

Adopted. Ordered to Third Reading.

(tape inaudible from HB 157-FN through HB 238-FN-A)

HB 157-FN, Relative to sunset review of the board of education - general instruction, school district evaluation guidelines. Ought to Pass. Senator Disnard for the Committee.

Adopted. Ordered to Third Reading.

HB 173-FN, Relative to sunset review of the postsecondary education commission nursing scholarship program, requirements for the nursing scholarship program and a leveraged incentive program. Ought to Pass. Senator Nelson for the Committee.

Adopted. Ordered to Third Reading.



HB 174-FN, Relative to sunset review of postsecondary education commission - war orphan scholarships. Ought to Pass. Senator Bond for the Committee

Adopted. Ordered to Third Reading.

HB 544-FN, Increasing the limit on the state guarantee of bonds and notes of school districts. Ought to Pass. Senator Johnson for the Committee.

Adopted. Ordered to Third Reading.

HB 238-FN-A, Relative to establishing a memorial to Christa McAuliffe and making an appropriation therefor. Ought to Pass with Amendment. Senator McLane for the Committee.

SENATOR MCLANE: I want to thank Senator White and Senator Torr for their interest in this project. I think that as we spoke we all agreed that perhaps this project had gone too far and should go back into the architectural pot again. Although I commend what they are doing I think they all agreed it would be better for this bill to go forward as it is, the \$100,000 for the Christa McAuliffe memorial.

#### AMENDMENT TO HB 238-FN

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Christa McAuliffe Planetarium Fund. Amend RSA 6 by inserting after section 13-b the following new section:

6:13-c Christa McAuliffe Planetarium Fund. There is hereby established in the office of the state treasurer a special fund known as the Christa McAuliffe planetarium fund. The Christa McAuliffe planetarium fund shall be maintained to receive donations and contributions from public and private sources and shall further be used for the sole purpose of funding the construction and operation of the Christa McAuliffe planetarium at the New Hampshire technical institute. Expenditures from the fund shall be authorized by a vote of the joint legislative-executive committee to memorialize Christa McAuliffe. In addition to all other sums appropriated, the committee may utilize a portion of the fund for additional expenses related to the solicitation of contributions and donations to the fund.

2 Appropriation.

1. The sum of \$85,000 is hereby appropriated for the biennium ending June 30, 1989, for the purpose of engineering and design work

preparatory to the construction of a planetarium on the grounds of the New Hampshire technical institute in Concord as a memorial to Christa McAuliffe.

II. The sum of \$15,000 is hereby appropriated for the biennium ending June 30, 1989, to the special joint legislative-executive committee to memorialize Christa McAuliffe for expenses related to the solicitation of donations to the Christa McAuliffe planetarium fund established by RSA 6:13-c.

III. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect upon its passage.

Amendment Adopted. Ordered to Third Reading

HB 362-FN-A, Relative to returns and taxable meals under the meals and rooms tax. Ought to Pass. Senator McLane for the Committee.

SENATOR MCLANE: This bill, the first part of it, makes the State of New Hampshire conform with the federal law having to do with not taxing meals that are bought with food stamps. There are very few things that people with food stamps can buy that would be considered meals but it is necessary that we pass it so we're in conformity with the federal law or otherwise we could lose our whole food stamp budget.

The other thing this bill does is require anyone who files a room and meals tax to file it at every filing period. Even if no tax has been collected. This will enable the department to keep their files current and won't send them out looking for someone who just runs a restaurant but has gone to Florida for the winter.

Adopted. Ordered to Third Reading.

HB 425-FN, Relative to the powers of the adult parole board and credits for good conduct. Ought to Pass. Senator Podles for the Committee.

SENATOR PODLES: HB 425 was requested by the department of corrections and it makes two changes in the parole statute. It was a bill that was heard in our committee. It was passed here on the Senate floor and went to Finance. It does not have a fiscal note and the committee recommends ought to pass.

Adopted. Ordered to Third Reading.

HB 480, Recodifying the county corrections laws. Re-referred to Committee. Senator Nelson for the Committee.

CHAIR: Who does move that we re-refer to committee.

Adopted.

HB 530-FN, Relative to assisted persons. Ought to Pass with Amendment. Senator Nelson for the Committee.

SENATOR NELSON: This bill enables a city or town to require an assisted person to work for a non-profit organization as well as the city or town if that organization is a participant in the municipal work program. Single parents with young children and disabled persons are specifically exempted for this work requirement. I refer you to page 9 of the calendar for the amendment which simply states that the individual would receive aid in return for their work at a rate of exchange equivalent to the prevailing wage for the kind of work that they are required to perform in the community. It passed out of committee five to zero.

#### AMENDMENT TO HB 530-FN

Amend RSA 165:31, I and II, as inserted by section 1 of the bill by replacing it with the following:

I. If a person who is receiving support under this chapter is physically able to work, the overseer of public welfare of the town or city may require the person receiving aid to work for the town or city at any job which it has available that is within the capacity of the person receiving support. Such persons shall receive aid in return for such required work at a rate of exchange equivalent to the prevailing wage for the kind of work they are required to perform in the community from which they receive support, as determined by the municipality's pay schedules prevailing at the time of application for assistance.

II. The overseer of public welfare of the town or city may require the person receiving aid to work for a nonprofit organization if that organization has agreed to participate as an employer in the municipal work program, and has been approved by the overseer of public welfare, and is compensated by benefits according to the prevailing wage scale of that institution.

Amendment Adopted. Ordered to Third Reading.

HB 668-FN, Relative to the tax exemption for qualifying small power production facilities and qualifying cogeneration facilities. Ought to Pass. Senator Bond for the Committee.

SENATOR BOND: HB 668 pertains to the city of Concord for school districts. What it does is to provide that payments in lieu of taxes by small powered generators are (tape inaudible) that taxes would be if they were paying a straight real estate tax instead of a payment in lieu. The legislative intent is that this be paid to Concord.

Adopted. Ordered to Third Reading.

HB 403-FN, Clarifying penalty provisions for violations of local codes and regulations, relative to district court jurisdiction over such penalties, and enabling district court judges to issue temporary orders enjoining violations of local land use regulations. Re-referred to Committee. Senator Podles for the Committee.

SENATOR PODLES: HB 403 as presently written presents some serious questions and as a result needs further study. The committee requests that HB 403 be re-referred to committee.

Adopted.

HB 416, Concerning the presumption of procedural compliance in the enactment of municipal legislation. Interim Study. Senator Podles for the Committee.

SENATOR PODLES: HB 416 has some merit. However sections of the bill raise problems and the committee recommends interim study.

Adopted.

HB 288-FN-A, Establishing an office of victim/witness assistance and making an appropriation therefor. Ought to Pass with Amendment. Senator White for the Committee.

SENATOR WHITE: You'll find the amendment on page 8 of the calendar and basically what the amendment does is it changes the committee. This bill creates an office of victim/witness assistance within the criminal justice bureau. It was a bill that we felt was very beneficial and it would be a clearing house for victims so that they would know who they could go to for help. We wondered at the name

of it because we thought maybe people would have a false hope that they were going to get some relief from it. Basically this just pays for the people to help the victims.

#### AMENDMENT TO HB 288-FN-A

Amend the bill by replacing section 3 with the following:

3 Report Required. The attorney general shall file a report on the activities of the office of victim/witness assistance with the speaker of the house, the senate president, and the governor on or before December 1, 1988.

4 Effective Date. This act shall take effect July 1, 1987.

Amendment Adopted. Referred to Finance under Rule 24.

HB 589-FN, Relative to adjusted elderly exemptions. Ought to Pass with Amendment. Senator Krasker for the Committee.

SENATOR KRASKER: HB 589 is enabling legislation which permits localities the option of adjusting their own elderly property exemptions. They would do this by virtue of a referendum which would go on the ballot. In a town the question would be placed on the warrant. In a city it would be the legislative body that would act on the question. As I say, it would be up to a favorable vote of the townspeople whether or not to adopt the adjusted elderly exemptions. The question would have an individualized dollar amount. In other words, what's in the bill says here insert dollar amount, the towns would insert whichever amount they wanted to give for an elderly exemption.

In addition, it does establish a study committee which will report back to the legislature in the next session before October 1, 1987. If they come up with suggestions for proposed legislation to incorporate all the elderly exemption bills proposals into one.

SENATOR DUPONT: Senator, I think this is a good idea because I've had a lot of constituents call me on this. But the question that I have is this, the bill sets up a study committee of seven members and then only lists membership of three from the Senate, so there's one person missing in the amendment.

SENATOR KRASKER: The disadvantage of this is that all my notes and papers are in a flooded office so I'm trying to do this by memory. The change we made and perhaps that's the problem, there were going to be four House members and two Senate members and



we amended the bill so that there was an equal number of House and Senate members and that was the six.

SENATOR DUPONT: Ok, but it still says a seven member committee in the bill. So, it's my understanding that Enrolled Bills will take care of that arithmetic problem because three plus three makes six.

SENATOR KRASKER: Yes. Thank you very much.

#### AMENDMENT TO HB 589-FN

Amend RSA 72:43-h, I(c) as inserted by section 3 of the bill by replacing it with the following:

(c) The wording of the question shall be: "Shall we adopt optional adjusted elderly exemptions from property tax? The optional exemptions, based on assessed value, for qualified taxpayers shall be as follows: for a person 65 years of age up to 75 years, (here insert dollar amount); for a person 75 years of age up to 80 years, (here insert dollar amount); for a person 80 years of age or older, (here insert dollar amount). To qualify, the person must have been a New Hampshire resident for at least 5 years; own the real estate individually or jointly, or if the real estate is owned by his spouse, they must have been married for at least 5 years. In addition, the taxpayer must have a net income of less than \$10,000 or, if married, a combined net income of less than \$12,000; and own net assets of (here insert dollar amount) excluding the value of the person's residence."

Amend the bill by replacing section 5 with the following:

5 Study Committee Established. There is hereby established a study committee of 7 members to review the existing elderly, expanded elderly, and adjusted elderly property tax exemptions. The committee shall, on or before October 1, 1987, prepare proposed legislation incorporating its recommendations for combining the existing elderly, expanded elderly, and adjusted elderly exemptions into a single property tax exemption. The proposed legislation for a single elderly property tax exemption shall be submitted to the 1988 session of the general court. The committee shall have full power and authority to require from the several departments, agencies, and officials of the state and the political subdivisions of the state such information and assistance as it deems necessary. The committee shall consist of 3 members of the house municipal and county government committee or their designees appointed by the speaker of the house and 3 members of the senate public affairs committee or their

designees appointed by the president of the senate. Members of the committee shall select a chairman and a vice-chairman at their first meeting. The members of the committee shall receive legislative mileage for their travel expenses to and from meetings of the committee. The committee shall meet as often as it deems necessary.

Amendment Adopted. Ordered to Third Reading.

HB 682-FN, Establishing a procedure for enforcing the payment of parking fines. Ought to Pass. Senator Pressly for the Committee.

SENATOR PRESSLY: This bill allows cities and towns to adopt provisions for keeping records of its residents who have outstanding parking violations in that municipality or other municipalities which have also adopted these provisions. It establishes a notification procedure for participating municipalities to exchange information on the outstanding parking violations of their respective residents. In municipalities which adopt these provisions no motor vehicle permit will be issued if the clerk's records show outstanding parking violations in that municipality or any other participating municipality. The testimony that was given before the committee was quite unanimous in support of this. They did demonstrate to the committee that the safeguards that we inquired about were, in fact, in place. We felt very comfortable that this could be in fact a very workable solution to a problem throughout the State. It is also only enabling legislation. Each municipality can decide if they would like or would not like to do this. The recommendation is ought to pass.

Adopted. Ordered to Third Reading.

HB 641, Relative to various motor vehicle laws. Ought to Pass with Amendment. Senator Preston for the Committee.

Senator Preston moved to re-commit.

Adopted.

HB 124-FN, Relative to sunset review of the real estate commission. Ought to Pass with Amendment. Senator Pressly for the Committee.

SENATOR PRESSLY: This bill certainly renews the real estate commission for six years. There were a few changes made at the request of the real estate community. They have a different composition than many other communities in that the leaders who are will-

ing to contribute to their profession are already very much involved. Usually on our commissions we do prohibit people from holding office and also serving on the commission. It was the request of this commission that a person be allowed to do both. In listening to their argument, we did agree that one out of the three commissioners could be in a position to hold two offices. We thought in the light of the arguments that they gave that that was a reasonable compromise.

#### AMENDMENT TO HB 124-FN

Amend RSA 331-A:1-d, III as inserted by section 4 of the bill by replacing it with the following:

III. No more than one commission member shall serve as an officer of a professional association which represents real estate brokers or salesmen.

Amend RSA 331-A:7, V as inserted by section 6 of the bill by replacing it with the following:

V. The action of the commission in revoking or suspending a license shall be subject to appeal to the superior court at the instance of the licensee within 30 days after the filing of the commission's decision. An appeal shall suspend the commission's decision. [The appeal shall be tried in the superior court de novo without jury.] The record of the hearing of the action of the commission shall be presented to the superior court for review and the superior court shall give the review under this chapter priority on the court calendar. The superior court may affirm, reverse, or modify the commission's decision, or order a trial de novo without a jury as justice may require.

Amendment Adopted. Ordered to Third Reading.

HB 624, Relative to survivors' benefits of New Hampshire permanent firemen's retirement system members receiving disability retirement benefits. Ought to Pass. Senator Delahunty for the Committee.

Senator Delahunty moved to lay HB 624 on the table.

Adopted.

HB 608-FN, Relative to pooled risk management programs. Ought to Pass with Amendment. Senator Pressly for the Committee.

SENATOR PRESSLY: This bill as amended authorizes political subdivisions to develop joint risk management pools and affirm such plans or programs which now exist. Pooled risk management programs established for the benefits of political subdivision shall make an informational filing with the insurance department and shall pay an annual filing of \$150. Plans or programs established or affirmed under the chapter are exempt from state insurance regulation or taxation. This was pointed out as a problem to the insurance department. It was a recommendation from the department in order to establish that governing bodies would be exempt and would not be considered the same as insurance companies. The testimony was unanimously in favor of this and the committee recommends ought to pass.

SENATOR JOHNSON: Would you explain to me briefly the justification for this annual filing of \$150. It seems like a significant amount of money to pay annually.

SENATOR PRESSLY: I believe they do this already and I welcome other committee members to contribute to this. The \$150 didn't startle us as an annual fee for a pooled risk management program. Quite frankly we were not startled with that amount of money.

#### Amendment to HB 608-FN

Amend the bill by replacing all after the enacting clause with the following:

1 Pooled Risk Management Programs. Amend RSA by inserting after chapter 5-A the following new chapter:

#### CHAPTER 5-B

#### POOLED RISK MANAGEMENT PROGRAMS

5-B:1 Purpose. The purpose of this chapter is to provide for the establishment of pooled risk management programs and to affirm the status of such programs established for the benefit of political subdivisions of the state. The legislature finds and determines that insurance and risk management is essential to the proper functioning of political subdivisions; that risk management can be achieved through purchase of traditional insurance or by participation in pooled risk management programs established for the benefit of political subdivisions; that pooled risk management is an essential governmental function by providing focused public sector loss

prevention programs, accrual of interest and dividend earnings which may be returned to the public benefit and establishment of costs predicated solely on the actual experience of political subdivisions within the state; that the resources of political subdivisions are presently burdened by the securing of insurance protection through standard carriers; and that pooled risk management programs which meet the standards established by this chapter should not be subject to insurance regulation and taxation by the state.

5-B:2 Definitions. In this chapter:

I. "Department" means the department of state.

II. "Informational filing" means an annual filing with the department made solely for the purpose of providing public access to certain information concerning the nature and organization of pooled risk management programs. Such informational filing shall be limited to the following:

(a) The name and legal address of each pooled risk management program;

(b) A list of current officers, their titles and addresses;

(c) A brief description of the coverage provided;

(d) The annual audit required under RSA 5-B:5, I(d);

(e) A written plan of operation or bylaws; and

(f) The annual actuarial evaluation required under RSA 5-B:5, I(f).

III. "Political subdivision" means any city, town, county, school district, village district, school administrative district, or any district or entity created for a special purpose administered or funded by any of the above-named governmental units.

IV. "Risk management" means the defense of claims and indemnification for losses arising out of the ownership, maintenance, and operation of real or personal property and the acts or omissions of officials, employees, and agents; the provision of loss prevention services including, but not limited to, inspections of property and the training of personnel; and the investigation, evaluation, and settlement of claims by and against political subdivisions.

5-B:3 Pooled Risk Management Authorized and Affirmed; Membership.

I. A political subdivision, by resolution of its governing body, may establish and enter into agreements for obtaining or implementing insurance by self-insurance; for obtaining insurance from any insurer authorized to transact business in this state as an admitted or surplus lines carrier; or for obtaining insurance secured in accordance with any method provided by law; or for obtaining insurance by any combination of the provisions of this paragraph. Agreements



made pursuant to this paragraph may provide for pooling of self-insurance reserves, risks, claims and losses, and of administrative services and expenses associated with them among political subdivisions. To accomplish the purposes of this chapter, 2 or more political subdivisions may form an association under the laws of this state or affirm an existing association so formed to develop and administer a risk management program having as its purposes reducing the risk of its members; safety engineering; distributing, sharing, and pooling risks; acquiring insurance, excess loss insurance, or reinsurance; and processing, paying and defending claims against the members of such association.

II. RSA 53-A shall not apply to an association formed or affirmed under this chapter, nor to the participation in such an association by a political subdivision.

III. Pooled risk management programs established for the benefit of political subdivisions may provide any or all of the following coverages:

(a) Casualty, including general and professional liability; errors and omissions; workers' compensation and employer's liability; medical payments; or unemployment compensation as authorized under federal law.

(b) Property, including marine and inland navigation; transportation; boiler and machinery; fire; theft; or natural hazards.

(c) Vehicle, including any liability or loss arising from the ownership or operation of vehicles.

(d) Surety and fidelity.

(e) Environmental impairment.

(f) Hospital, medical, surgical or dental benefits for employees and their dependants.

(g) Life, income maintenance, accidental death and dismemberment, vision loss or impairment, or legal benefits for employees and their dependents.

5-B:4 Informational Filing Required; Fee. Pooled risk management programs established for the benefit of political subdivisions shall make an informational only filing as defined in RSA 5-B:2, II, with the department and shall pay an annual filing fee of \$150. Nothing contained in this chapter shall be construed as enabling the department to exercise any rulemaking, regulatory or enforcement authority over any pooled risk management program formed or affirmed in accordance with this chapter. Pooled workers' compensation and unemployment compensation programs which are regulated by and which report to the department of labor and the department of employment security, under RSA 281 and RSA 282-

A, respectively, shall be exempt from the requirements of this section as long as their operations and reports conform to the laws and rules adopted by those departments.

#### 5-B:5 Standards of Organization and Operation.

I. Each pooled risk management program shall meet the following standards of organization and operation. Each program shall:

(a) Exist as legal entity organized under New Hampshire law.

(b) Be governed by a board composed of elected or appointed public officials, officers, or employees.

(c) Return all earnings and surplus in excess of any amounts required for administration, claims, reserves, and purchase of excess insurance to the participating political subdivisions.

(d) Provide for an annual audit of financial transactions by an independent certified public accountant. The audit shall be filed with the department and distributed to participants of each pooled risk management program.

(e) Be governed by written bylaws which shall detail the terms of eligibility for participation by political subdivisions, the governance of the program and other matters necessary to the program's operation. Bylaws and any subsequent amendments shall be filed with the department.

(f) Provide for an annual actuarial evaluation of the pooled risk management program. The evaluation shall assess the adequacy of contributions required to fund any such program and the reserves necessary to be maintained to meet expenses of all incurred and incurred but not reported claims and other projected needs of the plan. The annual actuarial evaluation shall be performed by a member of the American Academy of Actuaries qualified in the coverage area being evaluated, shall be filed with the department, and shall be distributed to participants of each pooled risk management program.

II. If a pooled risk management program fails to provide for an annual audit or an annual actuarial evaluation, the department shall perform or cause to be performed the required audit or evaluation and shall be reimbursed the cost by the program.

#### 5-B:6 Declaration of Status; Tax Exemption; Liability.

I. Any pooled risk management program meeting the standards required under this chapter is not an insurance company, reciprocal insurer, or insurer under the laws of this state, and administration of any activities of the plan shall not constitute doing an insurance business for purpose of regulation or taxation.

II. Any such program operating under this chapter, whether or not a body corporate, may sue or be sued; make contracts; hold and dispose of real property; and borrow money, contract debts, and pledge assets in its name.

III. Participation by a political subdivision in a pooled risk management program formed or affirmed under this chapter shall not subject any such political subdivision to any liability to any third party for the acts or omissions of the pooled risk management program or any other political subdivision participating in the program.

5-B:7 Confidentiality of Certain Claims Information. Notwithstanding any provision of law to the contrary, any information of any pooled risk management program formed or affirmed under this chapter pertaining to claims analysis or claims management shall be privileged and confidential and not subject to disclosure to any third party.

2 Effective Date. This act shall take effect 60 days after its passage.

Amendment Adopted. Ordered to Third Reading.

HB 613-FN, Relating to security deposits of insurance companies. Ought to Pass with Amendment. Senator Roberge for the Committee.

SENATOR ROBERGE: HB 613-FN would repeal the deposit requirement. The insurance department has the adequate powers to audit and oversee investment activities of domestic life insurers. It first went to RSA 411, the Life Insurance Company Investment Law. The existence of sections RSA 411 that HB 613 would repeal, does not add anything to the insurance department's ability to regulate the domestic life insurers. To the contrary, these sections of the law constitute a burden without a benefit to both the department and the domestic life insurer.

The amendment only addresses itself to the enacting date and it changes 60 days after passage to upon passage.

Amendment to HB 613-FN

Amend the bill by replacing section 7 with the following:

7 Effective Date. This act shall take effect upon its passage.

Amendment Adopted. Ordered to Third Reading.

HB 612, Relating to insurance holding companies. Ought to Pass. Senator Blaisdell for the Committee.

SENATOR BLAISDELL: Existing RSAs limit the investment of the domestic insurer and all of its insurance subsidiaries to 35% of its surplus. As amended, HB 612 would limit investment by a domestic insurer and all insurance subsidiaries to 50% of the domestic insurers surplus. The committee believes that HB 612 as amended represents a viable and practical compromise between the existing statute and the complete repeal of any limitations. We ask your support and nobody spoke against the bill and everybody was in favor of it.

Adopted. Ordered to Third Reading.

HB 550-FN, Regulating investment promoters. Ought to Pass. Senator Delahunty for the Committee.

SENATOR DELAHUNTY: This bill defines who and what (tape inaudible) anyone in the investment field who was either misrepresenting or is not qualified. The bill has the support of the attorney general and the insurance commissioner and the insurance committee recommends ought to pass.

Adopted. Ordered to Third Reading.

HB 528-FN, Instituting a confidential system to protect engineers reporting construction safety violations. Inexpedient to Legislate. Senator Bond for the Committee.

SENATOR BOND: This bill is really well intended but hit the wrong target. Engineers of licensed engineering corporations who do not have the authority to merge onto construction sites. It would put the engineering people in an indefensible position so we urge inexpedient to legislate.

Adopted.

HB 405, Establishing a presumption of negligence for liability resulting from a nuclear incident. Inexpedient to Legislate. Senator Freese for the Committee.

SENATOR FREESE: HB 405 would treat the handlers of nuclear material differently from any other class of negligent defenders. Specifically, in the event of a nuclear incident it would deny the de-

fendant the right to invoke a state of the art defense. It would also provide for automatic attorney fees should the plaintiff prevail and would provide for punitive damages should there be a finding of reckless disregard. To single out the handlers of nuclear material for such severe treatment is unconstitutionally discriminatory and the committee is recommending inexpedient to legislate.

SENATOR DISNARD: Senator Freese, would you believe that there are many of us who are concerned that there could be a nuclear waste dump. The people of New Hampshire do not want this. In the event the federal government forces it upon us, I don't understand the thinking of people who do not think a company transporting nuclear waste, if that should ever occur, through federal statutes into this state, the people aren't protected. I would think the company would need liability. I don't understand, would you believe, why we wouldn't protect our citizens from a possibility of a transporter coming into this state with nuclear waste and having an accident. Why shouldn't the citizens be protected?

SENATOR FREESE: Senator Disnard, I think the citizens are protected through the court process that now prevails. What this bill does is changes the whole system so that the state of the art is not protected and do you think that is fair?

SENATOR DISNARD: Do I think that is fair? I don't think your bill is fair, I don't think it's fair that a citizen can't go out and purchase nuclear protection insurance. I think it would be fair that there should be a presumption of negligence on the company that's transferring this waste in. Probably would never happen that we would be forced as a state to have a nuclear waste dump but I don't want to go back home and tell the people that I voted against if we have a nuclear waste dump forced on us, not protecting them from an accident transporting the material in. I've got a problem.

SENATOR FREESE: I consider the present system very protective of any nuclear incident. I don't see why we should change the present process for a nuclear incident. I think it's very fair the way it is now and that's the way it should remain.

SENATOR DISNARD: Would you believe I don't think people would know or understand what nuclear accidents might be and many people not understanding and knowing through the medical field what the outcomes might be, that we ought to at least tell the people that we're thinking of their welfare.



SENATOR FREESE: I think we are presently.

SENATOR DUPONT: Senator Disnard, I don't have any problem with you trying to protect the consumers of your district or the citizens of the State of New Hampshire. I think it's just the ability to make a presumption that circumvents all the rules of fairness and the ability, for one, to access the court system to define guilt or innocence and you automatically make that judgement before the facts are known is what I think we have a problem with. Not just in the nuclear area but wouldn't it hold true with every chemical that comes into the State, gasoline, whatever? Shouldn't we do it for all of them?

SENATOR DISNARD: No, because what's out there in terms of gasoline fumes do not go many miles away for healthwise to be a problem. In terms of fairness, I don't believe we should have a nuclear dump forced on us. In terms of fairness, the people in this country really don't know, in case of a nuclear accident, how many miles away people may be effected, what's going to happen? Since you and I can't buy insurance to protect ourselves against this, then I think we should protect our people.

SENATOR DUPONT: Does this specifically refer to a nuclear dump in here? I couldn't find it.

SENATOR DISNARD: No it doesn't and I appreciate you're looking over the area.

SENATOR BOND: I'd simply like to point out that this has nothing to do with nuclear dumps. It only has to do with one thing, are you guilty until proven innocent or are you innocent until proven guilty? It's been our tradition that you are innocent until proven guilty. This bill will change that. It's not an equitable bill.

Senator Preston moved to substitute Ought To Pass.

SENATOR PRESTON: This is a question of safety and protecting the public, I think, and not creating a special class of industry. It's my understanding that the current law for the transportation of toxic waste and other materials are covered in a similar fashion. I also understand the bill does assume a transporter or if it's transportation of nuclear waste, to be guilty. I don't see anything wrong with that and I think guilty until proven innocent is a ridiculous statement to make. I think we all know that the Price-Anderson Act prohibits certain protection. You can read any of your insurance policies

whether its for your home or automobile or your business and you can't get business interruption insurance or anything else if there's a nuclear incident. You're not suppose to use the word accidents, Senator Disnard, it's always incidents that occur. They never have an accident. I think paranoia has really set in. We're talking here of a question of citizen safety and it's allowable for the states to close the loopholes in the statutes and that's what this does. As it now stands, the local communities cannot recover expenses for such emergency and this closes that loophole. The bill has been worked on in the House committee for over two years, republican and democratic to address a safety problem. Senator Chandler fought against a dump being in Hillsborough and I think Senator White did. And yes, it would involve transportation of waste coming in from out of state or Seabrook or anywhere else and if you really believed in your opposition to such a facility you've got to vote for this bill. It was determined after the incident at Three Mile Island that communities couldn't recover from the financial impact from some of these incidents that occurred. It's a bill like this that isn't uncommon in the state as it effects toxic spills. I'm told that my 30 seconds are up. I just want you to know that I didn't spray the hall for the killer bees today but I understand that they've been working and I hope you're here to represent your constituents and vote for this bill, ought to pass.

SENATOR KRAKSER: I was on the State Federal Relations Committee in the House when this first came up. It came about as a result of the possibility of having a high level radioactive waste site in the western part of our state and the bill at that time was introduced to the committee by Representative Chardon. The committee decided at that time that it was a very technical issue and that it needed study and that they would like to study it which they did. Representative Chambers and Representative Power were both members of that committee, which is why their names happened to be on the bill. Had Representative Chardon decided to seek reelection her name probably would have been the first name on the bill. At the hearings, which we held, the testimony really related to the issue of the nuclear waste dump in the western part of the state. Seabrook was really incidental, I think the records would bear this out and I think in drafting the bill it was just the determination of the drafters on behalf of the committee to make this inclusive for a nuclear accident anywhere, particularly in the area of transportation. It was on the advice of legal counsel, as I remember, that they

felt that the presumption of negligence for liability had to be there. This is pretty fundamental to other laws which have been passed to do the same thing in other states.

SENATOR PRESSLY: I rise in support of ought to pass for HB 405. Having listened to the testimony, it seems to be that there is a distinction between a nuclear incident versus an extraordinary nuclear occurrence. The federal government has appropriately covered all of the areas involving an extraordinary nuclear occurrence, but there turns out that there is no protection available for a nuclear incident. This means that no individual or no municipality can buy and purchase insurance for this eventuality. Should a nuclear incident occur, and I know this is something that my district has talked about at the local level, what would our cities and towns do should a vehicle transporting this type of material? How would we respond should an accident of some sort occur in our region? How would we respond? Who would be responsible? What this bill really does is put the burden of responsibility on the manufacturers, the transporters, the people that have chosen to move this type of material into our state. I think it's fair to say that should a nuclear incident occur we all know that some accident, some mistake, something happened that certainly was not intended to happen. This enables the injured, the victim not to have to prove that an accident occurred. The proof is going to rest with the people who have chosen to transport, to manufacture, to move this throughout our State. They would have all of the same rights that anyone else would have except it initially upfront acknowledges that something happened and somebody is responsible. It places the full burden of responsibility on the people who will be choosing to transport this type of material. It makes sense to me. It's something our cities and our towns need. I think we as individuals need and I think it's something certainly in the best interest of the people of our state. Thank you.

SENATOR DUPONT: Senator Preston, is it not true that the industry now can be held liable for any accident that takes place under existing law?

SENATOR PRESTON: With limitations.

SENATOR DUPONT: But this doesn't address the limitations.

SENATOR PRESTON: No, you're correct that it doesn't. This just leaves it at a very limited status. It lets the responsible party off the hook for about \$560 - \$700 million when one community could represent a billion dollars worth.

SENATOR DUPONT: Senator, can we back up to my question; this does not address the limitation that exist by a federal law?

SENATOR PRESTON: No, it should have alluded to the lack of coverage.

SENATOR DUPONT: That's the first point. The second point is does this bill exclude hospitals, laboratories that do research with nuclear materials that now provide very valuable services to the citizenry of this state?

SENATOR PRESTON: I don't know Senator.

SENATOR DUPONT: Would it be unfair to say that if we're not sure about that specific point that we could be doing some harm to some institutions that provide valuable services to the state?

SENATOR PRESTON: Senator, if any institution did something and an accident occurred and injured a person I would want their rights of coverage protected and I think the institution should be as responsible as private industry.

SENATOR DUPONT: Senator, you're still eluding my question. Aren't those institutions now capable of being held liable for their actions? That's all I'm asking.

SENATOR PRESTON: They very well could be because I don't know what type of nuclear incident could occur.

SENATOR CHANDLER: I oppose the location of a nuclear dump in the western part of the state, mostly in my district. I still oppose it but that is not the question as I see it on this bill from the analysis. If the analysis is correct it will presume in advance that somebody was negligent and that does not seem, regardless of what the material is, I don't think you should presume anybody to be guilty unless he's proven guilty. That's really the whole question before us. In all fairness, I don't see why you should accuse somebody and presume he's guilty before he's had a chance for a fair trial.

SENATOR NELSON: Senator Krasker, would you be able to just address this concern of presumption of negligence before the act actually occurs. Is that in fact what this bill will do?

SENATOR KRASKER: This is all recall of over a year ago. Naturally, I wasn't on the committee that worked on the bill but we did

have legal advice that this was standard language in this kind of legislation. We haven't made something up and we're not the first to enact it.

SENATOR NELSON: I don't mean to put you on the spot but I would ask you, do you, off hand, recall any of the other states to which you have referred earlier?

SENATOR KRASKER: I don't. I would assume that the Senate sponsors would have provided that testimony to the committee and maybe a member of the committee could answer that question.

SENATOR JOHNSON: Senator Preston, I'm trying to understand the thrust of this bill, but if there were a transportation accident some place in New Hampshire now involving nuclear material and represented a threat to the public, can you tell me what would happen now in regard to the absence of this legislation and then what would happen if this legislation were to pass?

SENATOR PRESTON: As I understand it now Senator, those now involved in toxic waste are presumed to be guilty under the powers of law in the state. This will place those in transportation of a nuclear incident under the same law. That's my understanding.

Roll call requested by Senator Preston.  
Seconded by Senator Blaisdell.

Those in favor: Senators Disnard, Roberge, Blaisdell, Pressly, Nelson, Stephen, St. Jean, Preston and Krasker.

Those opposed: Senators Bond, Hounsell, Heath, Freese, Hough, Dupont, Chandler, White, Charbonneau, McLane, Podles, Johnson, Torr and Delanunty.

9 Yeas

14 Nays

Motion Lost.

Senator Dupont moved inexpedient to legislate.

Adopted.

HB 258-FN, Relative to limitations on liability. Inexpedient to Legislate. Senator Bond for the Committee.

SENATOR BOND: Once again this is a bill which intentions are excellent and it should be a legislative concern. However, the bill



itself does not appropriately address the problem of the liabilities of money stolen (tape inaudible). The committee recommends inexpedient to legislate.

Adopted.

HB 229, Relative to exemption of skeet, trap, shooting sports clubs and owners of shooting ranges from any civil or criminal actions relating to noise pollution. Ought to Pass. Senator Bond for the Committee.

SENATOR BOND: The committee's recommendation on this bill is ought to pass. It's relative to the exemption of skeet, trap and shooting sports clubs which there are a number of in the state. The problem is that in some places the construction of new housing units close to them cause a surge of noise pollution. It's the committee's opinion that there were no reason (tape inaudible). We urge ought to pass.

Adopted. Ordered to Third Reading.

HB 402, Relative to habitual offenders. Ought to Pass with Amendment. Senator Nelson for the Committee.

SENATOR NELSON: This bill amends the discretion of the director in the motor vehicle habitual offenders statute. This bill makes the following changes in current habitual offender law: it changes the penalty from a flat four years to a flexible one to four for fairness; it deletes the provision whereby several violations committed at one time only counted for one offense for the partition. Now each of those offenses, even if some are committed together, will count separately and it is a stiffer provision; it adds two offenses to lists of items that can be used for partition; adds disobeying an officer; and aggravated DWI. Also it puts the list in numerical order. It does four or five other things. There are also amendments on page five of the bill which includes convictions from another state be counted.

#### Amendment to HB 402

Amend RSA 259:39 as inserted by section 1 of the bill by replacing it with the following:

259:39 Habitual Offender. "Habitual offender" means any resident or nonresident person whose record, as maintained in the office of the division, shows that such person has accumulated convictions in

the number provided in paragraph I, II or III of this section for those offenses listed therein and committed within a 5-year period, based on the date of the offense. After a conviction for an offense listed either in paragraph I or in paragraph II and during the 5-year period, if a subsequent single incident results in convictions for more than one offense under the same paragraph, each such conviction may be counted separately for the purpose of certifying a person as an habitual offender. A person who meets the requirements of one of the following three paragraphs shall be certified as an habitual offender:

I. Three or more convictions, singularly or in combination, of the following offenses:

- (a) Conviction of any offense specified in RSA 261:73;
- (b) Conviction of any offense specified in RSA 262:1, I;
- (c) Conviction of any offense specified in RSA 262:8;
- (d) Conviction of any offense specified in RSA 262:12;
- (e) Conviction of any offense specified in RSA 262:13;
- (f) Conviction of any offense specified in RSA 263:1;
- (g) Conviction of any offense specified in RSA 263:12, V;
- (h) Conviction of any offense specified in RSA 263:63;
- (i) Conviction of any offense specified in RSA 263:64;
- (j) Conviction of any offense specified in RSA 264:25;
- (k) Conviction of any offense specified in RSA 265:4;
- (l) Conviction of any offense specified in RSA 265:79;
- (m) Conviction of any offense specified in RSA 265:82;
- (n) Conviction of any offense specified in RSA 265:82-a;
- (o) Conviction under RSA 630:2 of manslaughter resulting from the operation of a motor vehicle;
- (p) Conviction under RSA 630:3 of negligent homicide resulting from the operation of a motor vehicle;
- (q) Conviction of any felony in which a motor vehicle is used;

II. Twelve or more convictions, singularly or in combination, of the following offenses:

- (a) Conviction of any offense specified in RSA 265:22;
- (b) Conviction of any offense specified in RSA 265:60.

III. A combination of one conviction of an offense specified under paragraph I and at least 8 convictions, singularly or in combination, of offenses specified under paragraph II; or a combination of 2 convictions, singularly or in combination, of offenses specified under paragraph I and at least 4 convictions, singularly or in combination, of offenses specified under paragraph II.

Amend RSA 262:19, V as inserted by section 3 of the bill by replacing it with the following:

V. The director may use convictions obtained in another state for the offense of reckless operation, driving while intoxicated, operating after suspension or revocation, manslaughter resulting from the operation of a motor vehicle, and negligent homicide resulting from the operation of a motor vehicle for the purpose of certifying an habitual offender.

Amendment Adopted. Ordered to Third Reading.

### ENROLLED BILL AMENDMENTS

HB 37, Relative to the emergency management act.

SENATOR CHANDLER: This amendment corrects a grammatical error and adds quotation marks around a defined term.

Amend the bill by replacing line 8 on page 8 with the following:

(e) The director of the division of public health services.

Amend the bill by replacing line 21 on page 14 with the following:

III. As used in this section the term "emergency management worker"

Adopted.

HB 131-FN, Relative to sunset review of state liquor commission - office of the commissioner/administration.

SENATOR CHANDLER: This amendment corrects a typographical error.

Amend the bill by replacing line 5 on page 1 with the following:

RSA 17-G. The agency or program shall terminate on July 1, 1993, subject

Adopted.

HB 132-FN, Relative to sunset review of state liquor commission - office of the commissioner/regulation.

SENATOR CHANDLER: This EBA corrects a typographical error.

Amend the bill by replacing line 5 on page 1 with the following:

agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

Adopted.

HB 134, Relative to sunset review of state liquor commission - warehouse.

SENATOR CHANDLER: This amendment corrects a typographical error.

Amend the bill by replacing line 4 on page 1 with the following:

July 1, 1993, subject to RSA 17-G.

Adopted.

HB 180-FN, Establishing a study committee to examine the publication and distribution of session laws.

SENATOR CHANDLER: This amendment corrects a typographical error.

Amend the bill by replacing line 10 on page 2 with the following:

shall be determined by the committee. The committee shall report its

Adopted.

HB 213, Relative to guardians for minors and the correction of statutory references for certain appeals.

SENATOR CHANDLER: This bill inserts a missing word in the bill.

Amend the bill by replacing line 14 on page 3 with the following:

to injure any party.

Adopted.

HB 329-A, Relative to estimated tax payments for railroads and public utilities.

SENATOR CHANDLER: This EBA corrects a typographical error in the bill.

Amend the bill by replacing line 6 on page 1 with the following:

taxes, after credit for estimated taxes paid, shall be paid to the

Adopted.

HB 435-FN, Creating a committee to study head injuries in New Hampshire and relative to health care for indigent.

SENATOR CHANDLER: This amendment corrects a grammatical error in the title of the bill and corrects a reference to the governor's commission for the handicapped.

Amend the title of the bill by replacing it with the following:

AN ACT

creating a committee to study head injuries in  
New Hampshire and relative to health  
care for the indigent.

Amend the bill by replacing line 12 on page 1 with the following:

(c) One member from the governor's commission for the handicapped.

Adopted.

HB 654-FN, Relative to dogs and cats.

SENATOR CHANDLER: This amendment corrects statutory citations as inserted by section 4 of the bill and a typographical error.

Amend the bill by replacing lines 6-10 on page 2 with the following:  
state treasurer for deposit in the general fund.

4 New Subdivision; Breeder's Health Certificate. Amend RSA 437 by inserting after section 13 on the following new subdivision:

Breeder's Health Certificate for Cats

437:13-a Breeder's Health Certificate.

Amend the bill by replacing line 11 on page 3 with the following:

this section and to enforce the penalties of RSA 437:13-a, VII. The

Adopted.

HB 158-FN, Relative to sunset review of the department of education - adult basic education.



SENATOR CHANDLER: This EBA corrects a typographical error.

Amend the bill by replacing line 4 with the following:

program shall terminate on July 1, 1993, subject to RSA 17-G.

Adopted.

HB 88-FN, Relative to the pesticide control board; rulemaking hearings, exemptions, and definitions.

SENATOR CHANDLER: This amendment corrects statutory references in section 3 of the bill.

Amend the bill by replacing lines 4 and 5 on page 2 with the following:

to RSA 430:42, VII and RSA 430:45, III, and the issuance of orders pursuant to RSA 430:42, II and V.

Adopted.

HB 600-FN, Relative to OHRV fees.

SENATOR CHANDLER: The amendment indicates statutory language deleted by the bill and corrects a typographical error.

Amend the bill by replacing lines 5 and 6 on page 1 with the following:

registration upon presentation of resident tax receipt, (or tax receipt of parent or guardian.) or a valid New Hampshire driver's license issued to a person 18 years of age or older.

Amend the bill by replacing line 12 on page 3 with the following:

fish and game department for the following; provided, however, that

Amend the bill by replacing line 17 on page 3 with the following:

safety, regulation, equipment maintenance and other related matters

Adopted.

## ENROLLED BILL REPORT

HB 11, Relative to the number of library trustees.

HB 13, To revive the charter of the Chocorua Chapel Association, a nonprofit organization.

HB 29, Relative to fees paid to municipal shelters or humane society facilities for unlicensed dogs held there.

HB 30, Relative to uniform allowance for newly commissioned second lieutenants and warrant officers in the New Hampshire national guard and making an appropriation therefor.

HB 43, Relative to eligibility for admittance to the New Hampshire veterans' home.

HB 46, Relative to the state radiation advisory committee.

HB 160, Relative to sunset review of postsecondary education commission - veterans education service and repealing the advisory committee.

HB 221, To revive the charter of the Pequawket Foundation, a non-profit organization.

HB 249, Relative to the shore frontage and acreage at the Laconia State School and Training Center.

HB 266, Relative to the state veterans' needs committee.

HB 291, Relative to cosmetology.

HB 312, To legalize a town meeting held in Canaan.

HB 456, Relative to interference with burial grounds and unlawful possession or sale of gravestones.

HB 462, To provide New Hampshire Purple Heart recipients with special commemorative license plates.

HB 488, Relative to the department of revenue administration.

HB 497, Establishing a committee to study granting municipalities the option of setting their own tax rates.

HB 500, To revive the charter of the First Church (Congregational) in Jaffrey.

HB 503, Relative to regulations of existing weirs.

HB 542, Relative to preferred provider agreements.

HB 555, Relative to lucky 7 tickets sold by dispenser devices.

HB 556, Relative to recording fees.

HB 662, Relative to reimbursement of the state for patients rendered services by the secure psychiatric unit.

HB 663, Legalizing action by the city of Franklin in adopting a budget and supplemental budget for an optional fiscal year and authorizing debt during the transition period.

SB 58, Relative to detention powers of county fair security guards.

SB 234, Authorizing the commissioner of health and human services to transfer authority for operation of medical assistance programs.

### RESOLUTION

Senator Dupont moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the bills ordered to third reading be read a third time by this resolution and that all titles be the same as adopted and that they be passed at the present time; and that when we adjourn, we adjourn until Thursday, April 30, 1987 at 11:00 a.m..

Adopted.

### LATE SESSION

#### Third Reading and Final Passage

HB 421, Relative to conservation commissions.

HB 22, Relative to methods of hunting and possession of deer and moose and illegal night hunting.

HB 382, Relative to boating law enforcement.

HB 420, Restricting power boats on Hermit Lake in the town of Sanbornton and requiring the division of safety services to make a study and hold a hearing relative to boating on Lake Pemigewasset in the towns of New Hampton and Meredith.

HB 208-FN, Relative to the limit on trout taken by fly fishing in Clarksville Pond in the town of Clarksville.

HCR 5, Supporting initiatives at all levels seeking to solve the potentially catastrophic problem of depletion of the earth's ozone layer.

HB 75-FN-A, Relative to registration fees for pesticide products.

HB 655-FN, Relative to the testing of livestock in pulling contests.

HB 153-FN, Relative to sunset review of the board of education - financial aid.

HB 154-FN, Relative to sunset review of the board of education - special services.

HB 281-FN, Establishing a study committee on teacher shortages and salaries.

HB 366-FN-A, Making supplemental appropriations to the UNH cooperative extension service and to the board of veterinary medical examiners.

HB 157-FN, Relative to sunset review of the board of education - general instruction, school district evaluation guidelines.

HB 173-FN, Relative to sunset review of the postsecondary education commission nursing scholarship program, requirements for the nursing scholarship program and a leveraged incentive program.

HB 174-FN, Relative to sunset review of postsecondary education commission - war orphan scholarships.

HB 544-FN, Increasing the limit on the state guarantee of bonds and notes of school districts.

HB 238-FN-A, An act relative to establishing a memorial to Christa McAuliffe and making an appropriation therefor.

HB 362-FN-A, An act relative to returns and taxable meals under the meals and rooms tax.

HB 425-FN, An act relative to the powers of the adult parole board and credits for good conduct.

HB 530-FN, Relative to assisted persons.

HB 668-FN, Relative to the tax exemption for qualifying small power production facilities and qualifying cogeneration facilities.

HB 589-FN, An act relative to adjusted elderly exemptions.

HB 682-FN, An act establishing a procedure for enforcing the payment of parking fines.

HB 124-FN, Relative to sunset review of the real estate commission.

HB 608-FN, Relative to pooled risk management programs.

HB 613-FN, Relating to security deposits of insurance companies.

HB 612, Relating to insurance holding companies.

HB 550-FN, Regulating investment promoters.

HB 229, Relative to exemption of skeet, trap shooting sports clubs and owners of shooting ranges from any civil or criminal actions relating to noise pollution.

HB 402, Relative to habitual offenders.

### RECONSIDERATION

Senator Dupont moved reconsideration of HB 405, Establishing a presumption of negligence for liability resulting from a nuclear incident.

Motion Failed.

Senator Dupont moved to adjourn until Thursday, April 30, 1987 at 11:00 a.m.

Adopted.

Adjourned.

*Thursday, April 30, 1987*

Senate met at 11:00 A.M.

A quorum was present.

Prayer was offered by the Reverend Dr. Vincent Fischer, Senate Chaplain.

Let Us Pray. Almighty Father, whom shows us that He Not We by His mighty acts is in Control of the Universe at ALL TIMES! Look



favorably upon Thy People - as the House takes up "The Battle of the Banks" and we all do our work for the Betterment of Mankind! Help us Lord, for Thy mercy is great!

Amen.

Senator Heath led the Pledge of Allegiance.

## INTRODUCTION OF GUESTS

### COMMITTEE REPORTS

HB 24, To extend the deadline for the joint committee on recodification of the water laws to submit its report to the General Court. Ought to Pass. Senator Hounsell for the Committee.

SENATOR HOUNSELL: HB 24 merely extends the deadline for the joint committee to recodify the water laws into the next year. The committee urges your support.

Adopted. Ordered to Third Reading.

HB 586-FN, Relative to mooring of boats on certain lakes in New Hampshire. Ought to Pass with Amendment. Senator Hounsell for the Committee.

SENATOR HOUNSELL: This bill, the moorings bill, it passed from the House and it came to the Senate. The Senate made an amendment that appears in your calendar. The amended version as far as the mechanism for regulating placement of use for the moorings in the State out of water. The bill establishes specific restrictions on the placement of moorings on the following lakes: Winnepesaukee, Winnisquam, Squam, Newfound, and Sunapee. The annual mooring fee of \$25.00 shall be charged for each mooring decal issued. The office of state planning, division of safety services shall identify suitable locations for public mooring fields and public waters. The office of state planning, division of safety services shall make recommendations relevant to the public mooring fields. The director of the division of safety services is to be given certain rule making authority by this bill. There's an appropriation of \$105,480 for safety services. We feel that this is a moorings bill and our committee felt that this was a needed bill in this version and we would ask your concurrence so that this might go to Senate Finance so they could look at the appropriation.

SENATOR MCLANE: This is a good bill, I think. This is a very long and complicated subject. We have spent well over two years working on it. We're never going to satisfy all parties, but I think that this is a

very well crafted bill and, more importantly, it is a revenue measure, as well. I think that if we are going to have safety services create a presence on our lakes, that this is an excellence way to begin. I would commend the bill to you and urge its passage.

SENATOR HEATH: Senator Hounsell, since this is a very delicately balanced bill that none of us are entirely happy with, but all of us think it's better by far than the House version and perhaps the only thing that has the possibility of passage, would it be your recommendation to Senate Finance that they not concern themselves with the policy and stick with the fiscal impact?

SENATOR HOUNSELL: My feeling is in Finance they have their hands full and I believe that to represent the Senators who also serve on my committee, the Dev Rec Committee, will extend to the Finance Committee and the best policy is Senate endorsed and I'm certain that they will be looking at the funding mechanism to the appropriation.

#### AMENDMENT TO HB 586-FN

Amend RSA 270:59 as inserted by section 1 of the bill by inserting after paragraph VIII the following new paragraphs:

IX. "Public mooring fields" means a mooring field that is not a congregate mooring field.

X. "Congregate mooring fields" means a mooring field dedicated to homogeneous use group.

Amend RSA 270:60 as inserted by section 1 of the bill by inserting after paragraph II the following new paragraph:

III. The general court does not intend, by passage of this legislation, to convey to, create for, or recognize any rights of shorefront property owners.

Amend RSA 270:61, I as inserted by section 1 of the bill by replacing it with the following:

I. Any person erecting, installing, maintaining, or exercising control over a mooring on Lake Winnepesaukee; Lake Winnisquam; Squam Lakes; Newfound Lake; and Lake Sunapee shall obtain a mooring permit from the division as provided in this subdivision.

Amend RSA 270:62 as inserted by section 1 of the bill by inserting after paragraph V the following new paragraph:

VI. Each permit granted under this subdivision shall expire 5 years from the date of issuance.

Amend RSA 270:65 as inserted by section 1 of the bill by replacing it with the following:

270:65 Special Exceptions. The division of safety services, in consultation with the office of state planning, shall propose rules to develop standards for granting special exceptions for the placement of from 2 to 4 moorings adjacent to a shorefront property. The placement of 5 or more moorings adjacent to a shorefront property shall require approval pursuant to RSA 270:67, I and II.

Amend RSA 270:66 as inserted by section 1 of the bill by replacing it with the following:

270:66 Removal of Moorings; Powers of Director.

I. The director or his agents shall remove or cause the removal of, or shall move or cause the moving of, any mooring, mooring component, or boat attached to it, or any combination thereof, which:

(a) Is in violation of RSA 270:63; or

(b) Is in violation of RSA 270:64; or

(c) Does not bear the decal required under RSA 270:62; or

(d) Constitutes a hazard to public safety because of the manner in which it is constructed or maintained; or

(e) Bears a permit which was obtained by falsification in the permit application process; or

(f) Is ordered removed pursuant to RSA 270:69.

II. When the director or his agents believe that the mooring to be removed or moved does not constitute an imminent hazard to the public safety, the director shall notify the person who owns or controls the mooring that they have the right within 10 days of the notice to request that a hearing be held prior to the removal or moving of the mooring before the appeals board as established in RSA 270:69.

III. When the director or his agents believe that the mooring constitutes an imminent hazard to the public safety, the director or his agent shall move or remove the mooring and shall give the person who owns or controls the mooring the right to request within 5 days after the mooring has been moved or removed that a hearing be held before the appeals board established by RSA 270:69.

IV. Any boat or mooring which is removed pursuant to paragraph I shall be stored in a safe place and the owner shall be notified. Before he may reclaim a boat which has been removed pursuant to

paragraph I, the owner shall reimburse the person who remove the boat for any costs incurred in transporting and storing the boat.

Amend RSA 270:67 as inserted by section 1 of the bill by replacing it with the following:

270:67 Public and Congregate Mooring Fields; Permit Required.

I. Public Mooring Fields.

(a) The office of state planning and the division of safety services shall identify suitable locations for public mooring fields and prioritize the need for the development of such sites. In determining said locations the office of state planning and the division of safety services shall recommend each location size and the configuration of each public mooring field. Further, it shall be determined by the office of state planning and division of safety services that adequate access exists to serve the needs of the users of the public mooring field. Said site proposal shall then be transmitted to the respective political subdivision or subdivisions in which the proposed mooring field is to be located, where a public hearing on said site proposal may be conducted by the office of state planning. The office of state planning and the division of safety services shall review all recommendations received and submit their final site proposal to governor and council for approval. All such recommendations shall be consistent with any existing master plans, zoning ordinances, wetlands conservation district ordinances, and capital improvement programs of the adjacent municipality.

(b) The division shall issue a permit to any applicant for a mooring in a public mooring field who fulfills the mooring requirements in this subdivision subsequent to approval under subparagraph (a).

(c) Each public mooring field applicant shall be assessed a fee of \$25.

(d) No mooring shall be sold or leased except as provided in this section.

II. Congregate Mooring Fields.

(a) The office of state planning and division of safety services may identify suitable locations for congregate mooring fields. In determining said locations the office of state planning and the division of safety services shall recommend each location size and the configuration of each congregate mooring field. Further, it shall be determined by the office of state planning and division of safety services that adequate access exists to serve the needs of the users of the congregate mooring field. Said site proposal shall then be transmitted to the respective political subdivision or subdivisions in which the proposed mooring field is to be located, where a public hearing

on said proposal may be conducted by the office of state planning. The office of state planning and the division of safety services shall review all recommendations received and submit their final proposal to governor and council for approval. All such recommendations shall be consistent with any existing master plans, zoning ordinances, wetlands conservation district ordinances, and capital improvement programs of the adjacent municipality.

(b) Subsequent to approval by the governor and council, the division shall issue a permit to any applicant for a congregate mooring field who shows that:

(1) The location and size of the congregate mooring field meet the criteria established pursuant to RSA 270:72; and

(2) Adequate access exists to serve the needs of the users of the congregate mooring field; and

(3) The congregate mooring field will comply with the provisions of RSA 270:64; and

(4) No mooring shall be sold or leased except as provided in this subdivision.

(c) Each congregate mooring field permitted by the director shall be assessed an annual mooring fee of \$25 for each mooring installed in the congregate mooring field.

(d) Operators in charge of maintaining congregate mooring fields may charge no more for the use of a mooring than an amount which reasonably covers the costs of mooring installations and maintenance. Said charges shall be reported to the office of state planning and the division of safety services who shall submit an annual report to the governor and council and the general court on all congregate mooring fields.

Amend RSA 270:69 as inserted by section 1 of the bill by replacing it with the following:

270:69 Appeals Board Established. There is hereby established a moorings appeals board which shall hear and decide appeals of any decisions made under this subdivision. The moorings appeals board shall conduct its hearings according to the provisions of RSA 541-A for adjudicative proceedings. The board shall consist of 3 persons to be nominated by the governor with approval of the council for terms of 3 years each. The initial appointments to the board shall be in staggered terms as determined by the governor and council.

Amend RSA 270:71, I as inserted by section 1 of the bill by replacing it with the following:



I. The director of the division shall adopt rules under RSA 541-A relative to:

(a) The content and design of all forms and permits necessary under this subdivision.

(b) The method of filing applications for mooring permits and standards to be met pursuant to RSA 270:64.

(c) Procedures for the issuance, renewal, and replacement of decals.

(d) The proper placement of decals on a mooring buoy.

(e) The use, design, weight or size, construction, lighting, placement (including safe spacing), and required maintenance of individual moorings.

(f) Procedures and criteria for identifying the location and size of public and congregate mooring fields.

(g) The use, operation, design, maintenance, and lighting of mooring areas, taking into account variations in factors including but not limited to water depth, shoreline configuration, wind exposure, domestic water use in the area, other environmental conditions and effects, and other similar factors. These rules shall include the placement of individual moorings within areas, the configuration and design of grid positions, and minimum distances between individual moorings.

(h) Procedures for designating mooring areas.

(i) Criteria to determine when an applicant:

(1) has a need for a mooring; and

(2) has legal access over land; and

(3) does not intend to sell or lease moorings, except as provided in RSA 270:67, II.

(j) The enforcement of this subdivision, including methods and time of inspections of moorings.

Amendment Adopted. Referred to Finance under Rule 24.

## HOUSE MESSAGE

Mr President: The House is ready to meet in Joint Convention at 11:15 a.m. with the Honorable Senate for the purpose of hearing an address by General Alexander Haig.

Recess

Out of Recess

## COMMITTEE REPORTS

HB 175-FN, Terminating the standardbred breeders and owners development agency. Ought to Pass with Amendment. Senator Hounsell for the Committee.

SENATOR HOUNSELL: The Senate Committee heard this bill and felt that it was appropriate for us to recommend that the Senate adopt the amendment that appears on page 7, which reinstates the standardbred breeders and owners development agency, to renew it until 1993. We feel that it is important because we think that although there's been changes in the racing sport that it still would behoove this State to support the effort that this agency puts forward. We urge your support to adopt the amendment as is appears in the calendar.

SENATOR BLAISDELL: I rise in support of Senator Hounsell's committee report. Certainly this is the agency that we put in a long time ago. It helps the Rochester fair and I ask you to let it stay the way it is and maybe we can build on it in years to come.

SENATOR DUPONT: I stand in strong support of this bill. As Senator Blaisdell has indicated, we still have an industry in the State that is devoted to harness racing and the development of a good breed of horses in the State. This is a much needed program to rebuild an industry that has been a valuable contributor to the State in the past.

## AMENDMENT TO HB 175-FN

Amend the bill by replacing all after the enacting clause with the following:

1 Sunset; Standardbred Breeders and Owners Development Agency Renewed. Standardbred breeders and owners development agency is hereby renewed to comply with RSA 17-G. The agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

2 Effect of Later Enactments. Passage of this act renewing standardbred breeders and owners development agency shall not limit any subsequent legislative action affecting this agency or program. The general court shall retain its full power to make amendments to or to terminate standardbred breeders and owners development agency, pursuant to RSA 17-G:9.

3 Effective Date. This act shall take effect upon its passage.

Amendment Adopted. Ordered to Third Reading.

HB 561-FN, Relative to provisions of water supplies to victims of water supply contamination, reimbursement of the oil pollution control fund, and licensing of oil transporters. Re-refer to Committee. Senator Hounsell for the Committee.

SENATOR HOUNSELL: A while back the Senate passed SB 211, which was sent to the House. The House has amended to contain various portions of HB 561. The sponsors of HB 561, that is before us now, have agreed that we could re-refer this bill and deal with the issue in SB 211. So, the committee recommends that we re-refer HB 561.

SENATOR JOHNSON: Senator Hounsell, just to make sure that I understand what is happening here now; the major thrust of the bill before us will be included in another bill?

SENATOR HOUNSELL: We passed SB 211, which is similar in scope to HB 561. That went before the House; they amended it to contain provisions of HB 561. It was felt by the committee, with the agreement from Representative Schwartz and other sponsors of HB 561, that we would re-refer this bill. By doing that tactfully it gives us a bill to work from in the next session. It doesn't kill it; it allows us to work on it in 1988 and we will focus our intention on SB 211, which is the vehicle that, we believe, is the one that we need to use to address this problem of water contamination in the communities of Northwood, Tilton, which is in my district, and Meredith. So it looks like we are going to end up with a bill that is going to cover many concerns.

Adopted.

HB 309-FN-A, Relative to the Nansen ski jump and making an appropriation therefor and repealing the Cannon Mountain Aerial Tramway Fund. Ought to Pass with Amendment. Senator McLane for the Committee.

SENATOR MCLANE: This is a one time appropriation, so obviously this bill will go down to appropriations. It will use the \$6,000 to repair the oldest ski jump in America. (tape inaudible) The hope is, that by making this one time repair, and there will be raised \$14,000 in private funds to complete this, that they can seek private sale or long term leasing of this historic ski jump.

SENATOR BOND: I would just like to support the committee recommendation of ought to pass. The Nansen ski jump is a cultural heritage of the North Country. It has, in the last couple of years because of the Tort problems that we have all suffered, seen little use. It needs to be renovated and an operator needs to be found. This is a cooperative venture between DRED and the city of Berlin and Town of Milan and I would urge your support.

#### AMENDMENT TO HB 309-FN-A

Amend the title of the bill by replacing it with the following:

#### An Act

relative to the Nansen ski jump and making an appropriation therefor and repealing the Cannon Mountain aerial tramway fund and establishing a study committee for the state-owned ski operations.

Amend the bill by replacing section 4 with the following:

4 Study Committee Established. There is hereby established a 5 member study committee consisting of: one member from the senate finance committee, appointed by the president of the senate; one member of the house appropriations committee, appointed by the speaker of the house of representatives; one member who represents the ski industry, appointed by governor and council; the director of the division of parks, department of resources and economic development; and the director of the office of state planning or his designee. The committee shall choose a chairman from its membership. The committee shall study the ski operations at the state-owned ski areas, namely, Mount Sunapee and Cannon Mountain and shall evaluate and recommend possible management changes, including, but not limited to, the sale or lease to private industry, or the creation of a state ski authority. The commissioner of the department of resources and economic development shall provide any support and assistance required by the committee. The committee shall make a report on its recommendations to governor and council, the president of the senate and speaker of the house of representatives on or before December 1, 1988.

5 Effective Date. This act shall take effect 60 days after its passage.

Amendment Adopted. Referred to Finance under Rule 24.

HB 144-FN, Relative to the sunset review of the department of resources and economic development - bureau of off-highway recreational vehicles. Ought to Pass with Amendment. Senator Hounsell for the Committee.

SENATOR HOUNSELL: This bill renews the department of resources and economic development - bureau of off-highway recreational vehicles for four years. This bill as amended also makes certain changes in the responsibilities and rule making authority of the supervisors bureau. It requires a bureau of impact study and environmental study and an annual report to the House and Senate on the performance of the bureau. The bill as amended requires the Commissioner of the Department of Resources and Economic Development to make annual reports to Legislative Committees on receipts and disbursements from the Grant in Aid Program. The bill as amended also repeals a provision related to law enforcement of the bureau of off-highway recreational vehicle offices. We feel that this is very responsive to the sunset report and we urge your support.

SENATOR NELSON: Senator Hounsell, you made reference to the rule making authority in your remark. So, I was interested, on what page of the amendment is it on and what specifically are you talking about in that respect?

SENATOR HOUNSELL: The amendment is on page 6 and 7. Thank you for that question, because it does tie into an important part of the sunset report in what we are addressing here in this bill. On page two of the bill, it refers to adding complete and specific procedures relative of the distribution of and requirements for obtaining funds from the Grant in Aid Program Establishment, RSA 215. There was some discussion in both the House and the Senate. There's very much of a conflict between what the DRED feels is the meaning of the Grant in Aid program and what Fish and Game and certain members of the General Court, in particular, our committee, felt. The Grant in Aid Program is this: For every vehicle registered, \$2.50 is put towards the Grant in Aid Program, which is to be used to upgrade trails. That, added to another \$2.50 from gasoline taxes, gives a total \$5.00 for Grant in Aid Program and an additional \$1.50 for administration, so there is a total of \$6.50 that is given per vehicle for Grant in Aid Program. DRED admits, and the sunset report pointed out, that they had been using more than the \$1.50 for administration. The effect has been the dollars that have been meant to go



to the trail improvement haven't been going there. This requires that they make specific rules around that intent.

SENATOR NELSON: Has the gasoline money always been going to this?

SENATOR HOUNSELL: Yes, that has been going to this for years.

#### AMENDMENT TO HB 144-FN

Amend the bill by replacing all after section 2 with the following:

3 New Paragraphs; Bureau Responsibilities. Amend RSA 215-A:3 by inserting after paragraph VIII the following new paragraphs:

IX. The commissioner of the department of resources and economic development shall submit an annual report to the chairman of the fish and game committee of the house of representatives and to the chairman of the development, recreation and environment committee of the senate which details the performance of the bureau during the previous year. This report shall be submitted on or before January 15 of each year.

X. The commissioner of the department of resources and economic development shall submit an annual report to the chairman of the fish and game committee of the house of representatives and to the chairman of the development, recreation and environment committee of the senate which details the receipts and disbursements of all grant-in-aid funds received by the bureau pursuant to RSA 215-A:23, V(a)(7) and RSA 260:61 during the previous fiscal year. This report shall be submitted on or before January 15 of each year.

4 New Paragraph; Rulemaking. Amend RSA 215-A:3-a by inserting after paragraph II the following new paragraph:

III. Complete and specific procedures relative to the distribution of and requirements for obtaining funds from the grant-in-aid program established under RSA 215-A:23, V(a)(5).

5 Bureau Impact Study. RSA 215-A:3, IV is repealed and reenacted to read as follows:

IV. The bureau shall also have the responsibility to make or participate in a continuing study on the effects of OHRV operations on erosion and other damage to the environment. If other state agencies are involved in an overall study of this nature, the bureau shall cooperate with such agencies, and maintain a record of all findings that pertain to OHRVs.

6 Environmental Study. The commissioner of the department of resources and economic development shall make a report to the general court on or before January 1, 1988, relative to the environmental study required by RSA 215-A:3, IV, and explain why this continuing study has not been made available.

7 Registration Fees. Amend RSA 215-A:23, V(a)(7) to read as follows:

(7) Two dollars of the amount collected from each individual + registration fee shall be used by the bureau for its grant-in-aid program. These funds shall be kept in a separate account and shall not be used for any other purpose. No portion of these funds shall be utilized by the bureau for any purpose other than distribution pursuant to RSA 215-A:23, V(a)(5). Any unexpended balance in said account shall not lapse, but shall be carried forward to the next fiscal year.

8 Enforcement. RSA 215-A:16, II is repealed and reenacted to read as follows:

II. The commissioner of the department of resources and economic development shall appoint a chief supervisor of the bureau of off highway recreational vehicles and such bureau of off highway recreational vehicle area supervisors as he deems necessary.

9 Repeal. RSA 215-A:17, relative to law enforcement authority of bureau of off highway recreational vehicle officers, is repealed.

10 New Section. Amend RSA 215-A by inserting after section 39 the following new section:

215-A:40 Operating Budget. The commissioner of the department of resources and economic development shall ensure that all sources of funding of the bureau of off highway recreational vehicles are reflected in the operating budget documents submitted by the department.

11 Effective Date. This act shall take effect upon its passage.

Amendment Adopted. Ordered to Third Reading.

HB 255-FN-A, Dedicating a portion of the federal Wallop-Breaux funds, with state matching funds for the establishment of boat launching access and making an appropriation therefor. Ought to Pass. Senator Hounsell for the Committee.

SENATOR HOUNSELL: This bill allows for us to take advantage of the 3 to 1 match through the Wallop-Breaux funds for the estab-

ishment of boat launching access. The terms of the fund, which is a Federal Fund from Senator Wallop and Senator Breaux, requires that this access be opened to all people whether they have a fishing license or not. Although it's administered by Fish and Game, it is indeed allowed for both launching access for all people. The 3 to 1 match is if the Senate Finance, after this is referred to them, agrees to the \$75,000 general fund appropriation, that there will be three times that much made available through the Wallop-Breaux. We felt that it was a good program. That it would indeed allow us to expand launching access to those people who would have difficulty getting on to a body of water, unless they had shore front property. We urge your support of the passage of this bill.

Adopted. Referred to Finance under Rule 24.

HB 336-FN-A, Requiring permits for projects affecting the water quality of the surface waters or ground waters of the state and providing for administrative fines for septic violations. Inexpedient to Legislate. Senator Hounsell for the Committee.

SENATOR HOUNSELL: We feel this bill is not timely in that we need to get on with the business of recodifying the water laws is the major changes in this bill, that we feel should wait until after we sort out the some 137 RSA's that we would have to do under recodification, which we just extended the deadline period under HB 24 at the top of the calendar. We urge your support of the committee report of inexpedient to legislate.

SENATOR PRESSLY: Senator Hounsell, reading the definition of this bill, it certainly is a topic that I am concerned with and effects my area. Could you give us a quick summary of what efforts you see being done by the State, and through your committee and the House committees, to address the problem that many of us feel as far as the quality of water. Can you give us an idea of what committees are ongoing, so that we can have some comfort that this problem is being addressed?

SENATOR HOUNSELL: I can assure you that the Senate Committee Development, Recreation and Environment is becoming more and more familiar with the importance of protecting underground water and also of the effects of what a dredge project might do. Currently, what we have done, positively, I think, today even, was we passed HB 24 which extends the deadline for the recodification of the water laws. I'm not certain that what we have before us in HB

336 is not needed, but I think it's impossible for us, or at least for me, to identify that this is the time to do it. I think that it could wait. I feel that strongly. If we get on with the business of recodifying the water laws, identifying what we have for laws, so that we don't create laws that would may be in conflict with others. I think that is the number one priority and I think in 1988 and 1989 we will be starting to see that this is the #1 environmental issue before us.

SENATOR PRESSLY: Can you assure me that if I vote with your committee inexpedient to legislate, that I do this with the full knowledge that you have other vehicles in place. That you have other abilities to introduce next session, language that you are comfortable with and your committee supports, that is, in fact, where we can see some real action and some positive steps towards addressing the water of both surface and groundwater?

SENATOR HOUNSELL: I can't tell you that that will happen as quick as next session, because of the recodification effort that we have to take place, but again I can tell you that, I count that effort of recodifying the water laws and identifying them, so that we know exactly what is out there that we can better address the entire needs. The issues and policies of water are many. They range from vehicles falling through the ice to allocation and everything in between. Those issues are very volatile. There is a lot of concerns on all sides and very technical. I think that it is very hard for me, as a member of that recodification committee along with Senator Nelson and Senator Delahunty from the Senate side, to recodify a moving target. This makes enough changes in it that it makes that effort difficult and I strongly believe that it can wait.

Adopted.

HB 724, Relative to the transfer of 57 acres of Rye Harbor state park to the department of fish and game for wildlife management. Ought to Pass. Senator Krasker for the Committee.

SENATOR KRASKER: This bill authorizes the Department of Fish and Game to acquire 57 acres of marshland and wetland in the Rye Harbor State Park area from the Department of DRED, for the purpose of wildlife management. The bill as amended, exempts the Department of Fish and Game in the State from any liability to the public for any hazardous waste and material that may still exist in some of the sediment from Rye Harbor, which was deposited on 13 acres of this site twenty years ago. Fish and Game Commission sup-

ports this and testified in favor at the hearing and also Judy Cummings, representing the division of parks, supported transferring the land, because parks felt it was the highest and best use of these 57 acres. I would urge your support.

Senator Chandler moved to lay HB 724 on the table.

Motion failed.

Question: Ought to Pass.

Adopted. Ordered to Third Reading.

HB 104-FN, Relative to sunset review of the office of state planning. Ought to Pass with Amendment. Senator Freese for the Committee.

SENATOR FREESE: HB 104-FN renews the office of state planning for six years. It also recodifies current law concerning the office of state planning in a separate chapter. The bill gives the office of state planning new duties relating to the coordination and assistance of regional and local growth management and planning as well, as duties relating to the management of the States resources. It establishes a program of regional and municipal finances and technical assistance for the growth and management of resource protection. The bill makes three positions in the office of state planning into permanent principle planner positions and transfers funds to pay their salaries. The bill repeals the present status relative to the duties and responsibilities of the office of state planning. The committee recommends passage as amended.

#### AMENDMENT TO HB 104

Amend the bill by replacing the title with the following:

##### An Act

relative to sunset review of the office of state planning,  
and consolidating the functions of the office of  
state planning in a new RSA chapter.

Amend RSA 4-C:4, II as inserted by section 3 of the bill by replacing it with the following:

II. There is established in the office of state planning a position to be known as federal-state financial information administrator. The duties of the administrator shall include, but not be limited to, the following:



(a) To maintain a data base, to which the general court shall have access, concerning all federal funds available to all state departments, municipalities, and other agencies within the state.

(b) To report on all such federal funds coming into the state of New Hampshire, whether to public or private agencies, to the director of the office of state planning who shall annually issue such report to the public.

Amend the introductory paragraph of RSA 4-C:6, I as inserted by section 3 of the bill by replacing it with the following:

I. The office of state planning shall formulate policies and plans for consideration by the governor which serve to integrate and coordinate resource and development activities affecting more than one state agency, level of government, or governmental function. Nothing in this paragraph shall be construed to grant the governor any additional authority to implement such plans beyond that which has been granted to him under the constitution and other laws of this state. Such activities may include, but shall not be limited to, the following subject areas:

Amend the bill by replacing all after section 11 with the following:

12 Office of State Planning; Grant Distribution Authority.

I. The general court, finding that regional planning commissions established under RSA 36:45 et seq. and municipalities require timely access to grant funds provided for in the fiscal year 1988 budget, and that such timely access would be hindered by the rule-making requirements of RSA 4-C:5, I as inserted by section 3 of this act, authorizes the office of state planning to distribute fiscal year 1988 grant funds after consultation with the regional planning commissions and affected municipalities.

II. Nothing in this section shall be construed to exempt the office of state planning from the rulemaking procedures required under RSA 4-C:5, I as inserted by section 3 of this act, excepting the distribution of fiscal year 1988 grant funds to regional planning commissions and municipalities.

13 Appropriation Transfers. The director of the office of state planning is authorized to transfer sufficient personnel funds from appropriation class 11 to appropriation class 10 in PAU 0103010301 of the fiscal year 1988-1989 general appropriations bill, HB 300-A, to reflect the change in the status of positions referred to in:

I. RSA 4-C:4, II, as inserted by section 3 of this act, relative to the federal-state financial information administrator.

II. Section 9 of this act, changing nonclassified positions to permanent positions.

14 Contingency. If HB 192, An Act establishing a program of regional and municipal assistance in the office of state planning, is enacted, section 1 of that act shall not take effect.

15 Nuclear Waster Technical Review Council. RSA 125-G:6, II is repealed and reenacted to read as follows:

II. The members of the council on resources and development established under RSA 162-C:1 shall comprise the membership of the nuclear waste technical review council.

16 Effective Date.

I. Section 9 shall take effect July 1, 1987.

II. The remainder of the act shall take effect upon passage.

Amendment Adopted. Referred to Finance under Rule 24

HB 54, Prohibiting interference with hunters, trappers and fishermen. Inexpedient to Legislate. Senator Hounsell for the Committee.

SENATOR HOUNSELL: I do definitely, and I think my voting record shows, that I support the efforts in the support of hunting, trapping and fishing. So, I want to make it clear that my support of the committee report of inexpedient to legislate, is because I do support the hunters, fisherman and trappers of this state. There was some questions raised about this issue on constitutionality and I can't tell you one way or another if they are valid. There is some concerns in that area which I think you should be aware of, however. It may not be constitutional. However, a very real threat that does exist if this passes and I don't count it as blind threat; it has been expressed by certain landowners and I think that feeling may extend to other landowners, that if this bill passes, that they would begin posting their land prohibiting the sportsman from using it. I don't think that they are threatening. I think that they really feel that they are loosing control over something that I count as equally important and that is the rights to decide activity on their property. Whatever the argument and philosophical differences are on this, I feel that a vote to inexpedient HB 54 is indeed a vote for the hunters, trappers and fishermen of this State. I urge this body to vote this bill inexpedient.

Senator Heath moved to substitute Ought To Pass.

SENATOR HEATH: I think it's an idle threat to suggest that this will cause more land posting, for the simple reason that those people who want to harass hunters have already posted their land. If they don't want hunters on there, so that they can exercise their freedom of speech, if that's the concern, they can post their land and keep hunters off there and they certainly would. Hunters and fishermen have increasingly been harassed with more and more sophisticated ways of doing it. It is an active goal of the chief anti-hunting organizations to harass hunters, fishermen and other sportsmen where they can't get legislation banning that sport. On behalf of all the sportsmen in the State, I would urge you to give them this opportunity to have the same protection that you enjoy in any of the other sports that you participate in, like golfing or recreational boating or whatever and to go with the motion of ought to pass.

SENATOR DISNARD: Senator Heath, would you believe HB 54, 219 and 229, those three bills, that I have received the most calls the three years I have been in the Legislation and not one fisherman, hunter or trapper by phone call or written communication asked me to vote for HB 54. They asked me to oppose HB 54 and I am surprised to hear you indicate that it may help the hunters, trappers and fisherman?

SENATOR HEATH: I have no explanation for it. That's not the kind of input that I have had. I have not heard very much about HB 54 one way or the other this time, but I have heard repeatedly in hunting organizations and in sportsman gatherings and talking to people on the street, that they want legislation to stop the harassment. I've experienced harassment myself, but not in any major way and I know many sportsmen that have experienced it.

SENATOR CHANDLER: Senator Heath, is interference described in the bill? Of what they mean by interference?

SENATOR HEATH: It's described in general terms in the bill.

SENATOR CHANDLER: What does it say?

SENATOR HEATH: I'll read it to you if you like.

SENATOR CHANDLER: All right.

SENATOR HEATH: "No person shall purposefully interfere with the lawful taking of wildlife by another. No person shall purposely disturb harry, worry, drive or interfere with wildlife for the purpose

of interfering with the lawful taking of wildlife by another. The provisions for this section shall not be construed to prohibit any interference arising from lawful activity by landowners or land users including farmers and recreationalists."

SENATOR HOUNSELL: Senator Heath, philosophically, I agree with everything you said. But practically, do you think that some of the people who welcome hunters and fishermen on their land that there may be instances because they feel threatened by the activity on their own property that they may indeed post land?

SENATOR HEATH: Anybody may post land. So in a short answer is, yes. But if you look at this where it says, that "it shall not be construed to prohibit any interference arising from lawful activity by landowners or land users" and lawful activity is very broad on landowners on their own land. I don't think so. I always hear when there is any legislation dealing with Fish and Game that somebody opposes and it's going to close a lot of land. A lot of land gets closed every year to those activities and it's never people who are supportive or neutral on the sport; it's by people who oppose hunting, particularly, and sometimes fishing. I don't think this is going to close another acre of land by it's passage. I wouldn't support it if I thought it would, because as you know I'm also an avid sportsman and I wouldn't support it if I thought it was going to harm the sport.

SENATOR HOUNSELL: Would you believe that I think that the landowners threat is not an idle threat and that I think there would be some posting taking place if we passed this bill?

SENATOR HEATH: I believe you'd believe that mistakenly.

SENATOR FREESE: We had a long hearing on this bill. In all due respect to my friend, Senator Heath, I believe this bill, should it pass, is punitive. We had testimony that there was a sister bill to this in Connecticut that was determined unconstitutional. In any state where these bills have been enacted and come along, there has never been a success in the arrest of anyone that had interfered, supposedly, with a hunting activity. I happen to own about 50 acres of land and I have a lot of respect for the Fish and Game Department and the sportsmen. Were this bill to pass I would feel that I had no right to go out and preach to a hunter, were he on the land doing something that I objected to because of the fact that interference is not well defined. I would seriously have to consider posting that land. Fifty acres isn't very much but the hunters do enjoy hunting on it

and I'm glad to have them, for the most part. This bill would bother me and I would hope that you would support the committee report as proposed.

SENATOR HEATH: Senator Freese, you spoke about the constitutionality in Connecticut being tested. Was that on the constitution of the State of Connecticut? Or was that the Constitution of the United States?

SENATOR FREESE: All I know is, we have testimony here of a Supreme Court decision on a very similar bill, that it was unconstitutional. The Connecticut Harassment Law, very similar to HB 54, was struck down by the lower court in Connecticut.

SENATOR HEATH: Do you suggest that we take advice from the lower courts of Connecticut in terms of laws that we're enacting that are, nonetheless, similar but different?

SENATOR FREESE: No, I don't necessarily, Senator Heath, but I just don't think this is good legislation. The testimony that we had listened to in the committee indicated that it wasn't and the committee, as far as I know, unanimously decided that this bill was not a good one.

SENATOR HEATH: Are you aware, in terms of your concerns about being able to speak to hunters on your land, that even if your land was not posted, that you can at anytime go to any person on that land and ask them to leave and if they don't leave immediately they are in violation of trespassing?

SENATOR FREESE: That wasn't the testimony that we received in committee.

SENATOR HEATH: Would you believe that's the present law? And that continues even if this passes.

SENATOR FREESE: If you say so, Senator Heath, I guess I'd have to believe it.

SENATOR BOND: Senator Heath, if on my property there was someone hunting and they were doing what I considered to be undesirable behavior, some form, would I not be interfering, perhaps, in at least have to defend my rights in court to deal with them if the land is not posted.

SENATOR HEATH: Absolutely not. First of all, there's a provision in here that says it's not construed that way specifically and, sec-



only you always have, under the present law, the right to ask them to leave or to conduct their activity in a way that satisfies you. That's a privilege in law that accrues to every property owner and that won't be interfered with in the least. It is very doubtful that ever a landowner be accused having allowed people to hunt on his land if he's accused successfully of interference for the simple reason that he's, in a sense, invited people to hunt. That would be the best defense the landowner would have, having not posted his land.

Motion failed.

Question: Inexpedient to Legislate

Adopted.

HB 493-FN, Establishing a committee to study the potential development of a state park in the Kona Wildlife Area in Moultonboro. Without Recommendation. Senator Hounsell for the Committee.

Senator Hounsell moved to substitute Inexpedient to Legislate.

SENATOR HOUNSELL: In committee, of which there are six members, half voted inexpedient to legislate and the other half voted ought to pass, so it was split 3 to 3. It was from that, that we sent this bill to this body without recommendation. I want to begin by saying that that is the desire of the committee. However, I stand in support of the motion of inexpedient. I think that the study committee is just adding to a long list of study committees that we've established this year. We have the land trust, which if that makes it way into law, is going to be doing a lot of research in the areas of what land should be used for certain agencies, including parks. I think that this bill is untimely and urge your support of inexpedient to legislate.

Senator Preston moved to substitute Ought To Pass.

SENATOR PRESTON: Without the benefit of notes or anything this morning, this bill as the Senator said, came out on a split report. It merely established a study committee for those in the area that were interested in the acreage at Kona State Park to look at the possibilities. It does nothing other than to establish a committee. It was a very serious concern to the Representative in that area, Representative Phelps and Senator St. Jean. The fact that the Senator isn't here, I am going to stand up and make this motion hoping you will allow them to have a study committee.

SENATOR HEATH: The two sponsors of this bill are nowheres near the area that this concerns. It is right in the heart of my district and I have traversed it on numerous occasions. It is being used as a wildlife area and as a low intensity recreational area. People hike in there; they bird watch; they picnic; they swim and so on. This is a strip of land that comes down off of a ledgy area, which would be unsuitable for development into a park, into a tall sort of untimbered area. I'm not sure if it is virgin timber, but it is tall timber and right directly into a swampy area. The only place you could put parking lots, cement picnic benches and recreational facilities would be in the swamp. You would be filling a wetlands. Almost all the estuaries on Winnepesaukee have been dredged or filled at this point. This is a natural piece of land. As the rest of the lake changes, it can be held and has been held so far, in perpetuity, providing that we don't disturb it and make it into a recreational area. They've argued access. On this end of the lake there is free public access in Center Harbor, Meredith and Moultonboro, all within 5 to 15 miles of that point. It would be very unsuitable. it would be a cruelty to the lake ecosystem to develop it any further. It would be wrenching it away from the public who likes a passive kind of recreation and it is already the thought of even citing it has greatly disturbed the town of Moultonboro. The location of it is absolutely unsuitable for providing a way for people to get there. They have to go way down the neck road and take several back roads to get to it. I would urge you to leave this little section of the lake, as it is, for the public and undeveloped to any further extent than it is now. Not only will it leave us one natural piece of shoreline that bridges up to a piece of higher ground that we can look at in the future as a museum piece of what the lake once looked like, but it will leave a kind of recreational activity for people who are not involved in motor boats, building fires and putting up tents and so on. They can do that, it just makes it a little more natural under the present circumstances. I urge you to defeat the motion of ought to pass.

SENATOR KRASKER: I am speaking without notes, because they have been washed away. I was a member of the committee who voted inexpedient on this bill and I would urge you all to support that motion and not ought to pass. It was clear to me from the testimony, that the Kona Wildlife area is a perfect piece of land the way it is, and to tamper with it would be to destroy something very precious that exists there. There are times when men and women just have to keep their hands off, I think, what is valuable property, and allow it to remain in its natural state. I would support the motion

that has been made by Senator Hounsell and urge you to vote against the motion of my colleague from the Seacoast.

SENATOR HOUNSELL: Senator Heath, the location of that property that we have, I think, has been established so that there is a loon population. Also, could you tell this body if there would be any upgrading of a road or access road if this were developed into a park and what effect that whole operation in constructing an eventual public use of that land might have on, not only the sceneries, but on the loon population?

SENATOR HEATH: I think it would be devastating on the loon population. That is a very swampy area and it is more suitable for loons than motor boats and that would be lost in any kind of development where you'd have a water side development or land side harassment. The road down there, because part of it is state and part of it is town, you would have an enormous fiscal impact to put any more traffic on it. From Route 25, it's a number of miles down there. It would also mean putting a huge number of signs on the various turns, so there would be visual pollution, as well as a fiscal impact for the highway. Then you would have to fill the swamp to build a parking lot. Overall, it would have an enormous impact.

SENATOR JOHNSON: Senator Heath, if we were to pass HB 493, wouldn't it, indeed, be at odds with the next bill on our calendar, HB 379, which basically calls or requires the natural areas of the State to be retained in their present natural condition?

SENATOR HEATH: It certainly would.

Motion failed.

Question: Inexpedient to Legislate.

Adopted.

HB 379-FN, Relative to public land preservation. Ought to Pass with Amendment. Senator Freese for the Committee.

SENATOR FREESE: HB 379-FN creates a land bank, protected by the legislature. It isn't terribly unlike the New Hampshire Trust in its goals. You'll see the amendment to this bill on page 23 of your calendar. It starts on page 23 and continues on page 24. It lists some of the lands that are likely to be included in the bill, should it pass, and of course, it doesn't confine these lands, only as more are discov-

ered, they will be added through legislation. The committee really feels that this is good legislation and ought to pass with amendment. We hope you will support the committee report.

SENATOR HOUNSELL: Senator Freese, it was my sense that this bill fit nicely with the concept of the policy that we've established under SB 1 the New Hampshire Land Trust?

SENATOR FREESE: That is correct.

#### AMENDMENT TO HB 379-FN

Amend the title of the bill by replacing it with the following:

##### An Act

relative to the retention of certain state-owned lands.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Retention of Certain State-Owned Lands. Amend RSA by inserting after chapter 219 the following new chapter:

#### CHAPTER 219-A

##### RETENTION OF CERTAIN STATE-OWNED LANDS

219-A:1 Declaration of Purpose. With the steadily increasing population and the demand for continuing development of the land for residential and other purposes, certain public land owned by the state should remain in the state's ownership for future generations; therefore, the general court deems it desirable to retain ownership of certain tracts of land.

219-A:2 Land to be Retained. The following state-owned land shall be retained by the state, other provisions of law notwithstanding:

I. Bear Dens natural area, located in the town of Gilsum, consisting of approximately 95 acres, more or less.

II. Binney Pond natural area, located in the town of New Ipswich, consisting of approximately 77 acres, more or less.

III. Bradford Pines natural area, located in the town of Bradford, consisting of approximately 5 acres, more or less.

IV. Chesterfield Gorge natural area, located in the town of Chesterfield, consisting of approximately 13 acres, more or less.

V. Jeremy Hill natural area, located in the town of Pelham, consisting of 63 acres, more or less.

VI. Rhododendron natural area, consisting of approximately 73 acres, more or less within the Rhododendron state forest park, located in the town of Fitzwilliam.

VII. White Lake Pitch Pine area, consisting of approximately 68.5 acres, more or less within the White Lake state forest park, located in the town of Tamworth.

VIII. Hamel state forest, consisting of approximately 41 acres in the city of Laconia;

IX. Houston-Morgan state forest, consisting of approximately 165 acres in the city of Laconia;

X. Opechee Bay tract, consisting of approximately 650 acres in the city of Laconia;

XI. Paugus Bay tract consisting of approximately 242 acres in the city of Laconia;

X. Prescott state forest, consisting of approximately 116 acres in the city of Laconia;

XI. Swain state forest, consisting of approximately 106 acres in the city of Laconia;

2 Review of Lands. The department of resources and economic development, the department of fish and game, and the water resources division are instructed to review all of their existing lands for appropriate inclusion in RSA 219-A by December 1, 1987, and annually thereafter by December 1. In making its analysis, a report of which shall be submitted to the governor and council, the speaker of the house of representatives, the president of the senate, the chairman of the house committee on resources, recreation and development, and the chairman of the senate committee on development, recreation and environment, the above named agencies shall consult with the office of state planning.

3 Effective Date. This act shall take effect upon its passage.

Amendment Adopted. Ordered to Third Reading.

HB 437, Relative to motorboat and jet ski operation. Ought to Pass with Amendment. Senator Freese for the Committee.

SENATOR FREESE: This bill was an outgrowth of a study committee, set up under the Laws of New Hampshire in 1985. I was a member of that committee. This bill went to the House and was sponsored by Representative Brown and Representative Jensen. The bill went through its process. It left the House in an entirely different concept. When the bill got to our committee, the Repre-



sentatives that sponsored bill asked us if we wouldn't amend it and if we felt that we didn't want to amend it, they asked us to make the bill inexpedient. You see the amendment that we developed, with them, on page 24, which returns the bill to its original state. It concerns boating with regard to jet skis and the confinement with regard to age. The bill raises the minimum age for the operation of a power boat, when unaccompanied by an adult, from 15 to 16. The bill also requires a person operating jet skis to be 16 years of age, rather than 15, and imposes a speed limit on the jet skis. We urge passage with amendment.

#### AMENDMENT TO HB 437

Amend the bill by replacing all after the enacting clause with the following:

1 Minimum Age for Power Boat Operation. Amend RSA 270:30 to read as follows:

270:30 Minimum Age for Operation. No person under the age of [15] 16 years shall operate upon the public waters of the state a motorboat or outboard [motor] motorboat, as defined in RSA 270:12, I, having power in excess of 25 horsepower unless he is accompanied by an adult, and such adult shall be liable for personal injury or property damage which may result from such operation. Whoever violates this section shall be guilty of a violation.

2 Minimum Age for Operation of Jet Skis. Amend RSA 270:30-b to read as follows:

270:30-b Jet Skis. No person under [15] 16 years of age shall operate jet skis on any public waters of the state; nor shall any person operate or allow another person to operate jet skis within 150 feet of one another, other boats or the shore at a speed greater than necessary to maintain steerage. Any person operating jet skis shall wear a personal flotation device which is Coast Guard approved type 1, [or] 2, or 3. The owner of any jet ski in violation of this section may be subject to loss of the boat registration for the jet skis and the operator in violation of this section shall be guilty of a violation.

3 Effective Date. This act shall take effect upon its passage.

Amendment Adopted. Ordered to Third Reading.

HB 321-FN-A, Creating the Connecticut River Valley resource commission and making an appropriation therefor. Ought to Pass with Amendment. Senator Hounsell for the Committee.

SENATOR HOUNSELL: This bill as amended, establishes a Connecticut River Valley resource commission to review, inventory, access and plan for a guide to recreation, tourism, commercial and residential use in development of the Connecticut River Valley region of the State, in cooperation with the State of Vermont. It establishes the composition of the commission and its duties relative to the present and future use, preservation and development of the region's recreation revenue, residential, cultural and ecological resources. The amendment that was offered by the committee provides that only New Hampshire citizens can serve on this commission. The commission is administratively attached to the Office of State Planning. The bill directs the commission to coordinate its various activities with DRED. The bill appropriates \$25,000 for fiscal year 1988 and the same amount for the fiscal year 1989, for one full time staff position to assist in administrating the act in accomplishing his purpose.

The amendment is on page 12 of the supplemental calendar. It reads that the changes that were added that shall be New Hampshire residents. We felt that if we are going to have the Government in New Hampshire, that New Hampshire residents should be the people who make up that Government.

#### AMENDMENT TO HB 321-FN-A

Amend the bill by replacing the introductory paragraph of RSA 227-E:4, I as inserted by section 1 of the bill with the following:

I. The commission shall consist of 15 members, all of whom shall be New Hampshire residents, as follows:

Amendment Adopted.

SENATOR CHANDLER: I supported the amendment of having New Hampshire people on the commission, but I do not feel that this is a bill that is necessary at all. Former Senator George Wiggins had this bill in two or three sessions. Each time it was killed. Along the Connecticut River we have three different organizations that are advancing things; cultural, businesswise, promotional for the region. In the southern part, there is the Monadnock Regional Association. In the central part, there is the Dartmouth Lake Sunapee Regional Association, which I used to be the Director. On the northern part, there is the White Mountain Regional Association. These three organizations could work together and they are in existence now and are partially funded by the State. They could do what the Connecti-

cut River Valley resource commission pretends to do. They don't need another association on top of the three that already exist. This would create a new State Department, the appropriation of \$25,000 this year and next year is, in my opinion, just an opening wedge to what would come in the future. I would predict, if this bill should become law, that within a few years the appropriation would be a great deal more than \$25,000. This only envisions one position, one person now, certainly the person would probably need a secretary, an office and it might generate enough activity to have a regular state department that we don't need. If I thought this would accomplish anything that the Dartmouth-Lake Sunapee Region, Monadnock Region and the White Mountain Region couldn't do, if they can't do it, how could this organization do it? I have nothing against the west side of the state whatsoever. Sullivan County used to be in my district, so I am very familiar with the situation around that area and it is a somewhat of a depressed area. I know they have a Chamber of Commerce in Claremont and in Newport. I presume they have one in Keene and other places. In all these organizations, this would be a duplication of effort. I would urge the Senate to defeat this motion of ought to pass.

SENATOR DISNARD: Senator Chandler, you are trying the color the votes of the Senators, in my opinion. Those three organizations you mentioned are trade, I want to emphasize trade, and commercial organizations. I believe some members of the Senate may not understand what we are trying to do with the Connecticut River Authority Bill. It is interesting to know every Senator bordering the Connecticut River is in favor of this. We just passed two bills, Senator Heath's, to protect his area in Moultonboro, another bill to protect the preservations of the land. All we want to do in our area is to make sure is planned growth. We don't have the southwestern part of the State with unplanned growth. We want to be protected; we want to have some good recreation; we want to have some good tourisms; some good commercial, but well planned and protected. The three organizations that you mentioned, Senator Chandler, are business and trade organizations out the grab the buck. We want to protect the land.

SENATOR BOND: I represent the district which includes the mud hole, where the Connecticut River starts on the Canadian Border, and from whence it runs 100 miles before it enters Senator Hounsell's district. I believe that it is an incredibly critical asset of the State of New Hampshire and should be protected through State efforts and I would urge your support of the bill.

Referred to Finance under Rule 24.

HB 142-FN, Relative to sunset review of the fish and game department - administration and support. Ought to Pass with Amendment. Senator Hounsell for the Committee.

Senator Hounsell moved to re-commit.

Adopted.

HB 660-FN, Relative to information services at highway rest areas and appropriating fees for these services. Ought to Pass. Senator Preston for the Committee.

SENATOR PRESTON: HB 660-FN provides for the renting of advertising space in rest areas and it sets aside the fees for the use of the office of promotion travel to write posters. There is also a section in here that the Department of Transportation requested, that puts some of our statutes in compliance with the Federal code relative to various classification of highways.

Adopted. Ordered to Third Reading.

HB 679-FN, Relative to buyers of farm products and distribution of funds to agricultural fairs, and making an appropriation to the secretary of state for a central indexing system for security interests in farm products. Ought to Pass. Senator Freese for the Committee.

SENATOR FREESE: This bill provides availability of credit for the farmers. Commissioner Taylor said this proposed legislation is absolutely necessary in order for the farmers to finance their products through liens. Marcel Veilleux of the New Hampshire Bankers Association also spoke for the bill. The Committee feels very strongly that it is very important that this bill become law. The bill really is a response to Federal Legislation that went into effect on December 24, 1986. Food Security act created two options for the perfection of security interests on farm products; crops and livestock, a notice option and a central filing option. The central filing options states, which we would be one if this bill passes, may elect to establish a central filing office for the filing of financial statements on farm products. This is the system set under HB 679. The system must be certified by the U.S. Department of Agricultural. Financial statements must be indexed by debtor name and social security number, by farm product, by country, by county and by crop year. The Secretary of State must distribute to buyers who register with him, speci-

fied portions of regular index and financing statements. HB 679 has been amended to establish the fees of \$8.00 for financing statements in the same uniform commercial code filing and \$100 annually for registration of a buyer. These amendments were attached to the bill when we received it, so they were amended in the House. If the State does not adopt a central filing and have it certified by the U.S. Department of Agriculture, then the notice option will remain in effect. The Secretary of State was not enthused about taking this on, but he vowed that he would accept it if funding was available for him to set the program up. This bill carries an estimated expenditure of roughly, \$33,000.00 in computer hardware, an annual maintenance of \$4,000.00 in the ensuing years to maintain a filing system. The system has been set up to be self-supporting in the future years, once the hardware is purchased and all the system is in place. The Secretary of State testified that he has no objection to establishing the central filing system in his office, under these conditions. We recommend the bill ought to pass.

Senator Dupont moved to waive reference to Rule 24.

Adopted. Ordered to Third Reading.

HB 91-FN-A, An act establishing a state liquor store in the town of Londonderry and making an appropriation therefor. Ought to Pass with Amendment. Senator Chandler for the Committee.

SENATOR CHANDLER: The amendment is on page 4, and what it does is it adds to the bill the Town of Belmont. We have already, in this session, passed a bill authorizing the establishment of a liquor store in the Town of Belmont, but somewhere, some how, that bill has disappeared and nobody knows where it is. It was lost in the shuffle. This amendment simply adds Belmont onto a liquor store in the Town of Londonderry, so it makes stores for Londonderry and Belmont.

SENATOR HEATH: Senator Chandler, have you seen any market studies or anything that would suggest that a liquor store being built in Belmont would add to the profitability of the State Liquor system?

SENATOR CHANDLER: Route 3 goes through Belmont, by the so called Laconia Shopping Center, which is actually in Belmont. There is a terrific amount of traffic there and that is one of the reasons that we have this triangle of Laconia Corridor, to try and limit some of the congestion, because it is so heavily traveled. That would be in



some time in coming. The liquor commissioner is in favor of it. I forgot to say that we passed this bill last session and it was amended to include a store in Manchester. It went back to the House for a Committee of Conference and in the closing days of the session the whole thing went down the drain, although it had been approved by the body. The Belmont store has been previously approved by this body and it was approved by this session also. The liquor commission thinks it would be worthwhile and you know, in addition of this, we have created several other stores this session.

SENATOR HEATH: Are you suggesting that we build a store in an area that you are also asking us later to put a bypass that will take traffic away from it?

SENATOR CHANDLER: I was afraid you were going to ask that question. I think that traffic would still support the store, because the traffic will still be heavy and that shopping center, really, could use a liquor store there. I don't think the decrease in traffic, which will be quite a long time before that and perhaps the store will be flourishing in the mean time.

SENATOR HEATH: Understanding that there is a certain amount of liquor sales in the State of New Hampshire, will this create new liquor sales or will this subdivide and add overhead to the cost of liquor sales that we already generate in the store, by not producing new customers and new sales?

SENATOR CHANDLER: I think new sales will be generated because of the population of the lakes region and the population of Franklin and the population of the whole State is growing and it will keep on increasing. This store will benefit by the increased population and by the tourism and the people over there would like to have it. The Representative from Belmont is in favor of it. He was a cosponsor of the bill last session. I think it will generate new sales. The more stores you have, the more opportunities people have and the easier it is for people to purchase liquor. There is a store in Laconia, which is very hard to find. Only people who live in Laconia know where it is. I am in Laconia quite a bit and I don't even know where the store is. The store in Franklin is off to the left and people are not apt to see it. This store would be located in a good location with plenty of parking and I think it will generate more business.

#### AMENDMENT TO HB 91-FN-A

Amend the title of the bill by replacing it with the following:

## An Act

establishing state liquor stores in the towns  
of Londonderry and Belmont and making  
an appropriation therefor.

Amend the bill by replacing section 3 with the following:

3 State Liquor Stores. The liquor commission is authorized to lease, stock, equip and staff in the name of the state one state liquor store in the town of Belmont. The operation of the store shall be governed by the provisions of RSA 177.

4 Appropriation. The sum of \$221,600 for the fiscal year ending June 30, 1988, and the sum of \$120,000 for the fiscal year ending June 30, 1989, are hereby appropriated to the state liquor commission to establish a state liquor store in the town of Belmont pursuant to section 3 of this act. These appropriations are in addition to any other funds appropriated to the state liquor commission. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect July 1, 1987.

Division vote:

11 Yeas

10 Nays

Amendment Adopted. Referred to Finance under Rule 24

HB 107-FN, Relative to sunset review of the department of revenue administration - community services. Ought to Pass with Amendment. Senator Blaisdell for the Committee.

SENATOR BLAISDELL: This just renews that the Department of Revenue Administration. The amendment just makes it effective upon passage.

## AMENDMENT TO HB 107-FN

Amend the bill by replacing all after section 2 with the following:

3 Effective Date. This act shall take effect upon its passage.

Amendment Adopted. Ordered to Third Reading.

HB 294-FN-A, Exempting the sale of a manufactured housing park to a tenants' association from the real estate transfer tax and requiring a manufactured housing park owner to give notice to a tenants' association before selling the park. Ought to Pass with Amendment. Senator McLane for the Committee.

SENATOR MCLANE: This bill is the result of a long bit of effort on the part of the President of the Senate and others. I feel that we have told manufactured park home owners, that tenants' associations are a viable alternative to selling his park; that we have gotten as much as we can for the low priced housing industry and I would urge you to go along with the bill as amended.

SENATOR HOUNSELL: Senator McLane, it has been expressed to me, and I want to ask you if, in fact, the effect of this amendment is that it takes away from the intent of the bill, which is to give first refusal?

SENATOR MCLANE: Yes, it does.

SENATOR HOUNSELL: If I wanted to support the original intent of the bill, then I would oppose the amendment at this time?

SENATOR MCLANE: I think you would, if you were unrealistic to the amount of effort that had gone in to the drafting of the amendment. I believe that, from my conversation with Elliot Berry and the other members of the House in coalition, that they realize that this is as good as you can get.

SENATOR CHANDLER: Senator McLane, isn't it true that the lawyer for the tenants' association has agreed to this bill?

SENATOR MCLANE: Yes, if that was the Elliot Berry that I spoke of. I respect the work that he has done with tenants' associations and I feel that if he conceives this as a good amendment, then that is good enough for me.

SENATOR HOUNSELL: The bill is what I am concerned with. It has been explained to me to be a very necessary bill. There are people who live in trailer parks and sometimes these trailer parks are located on land that is desirable from other concerns. Often, the people who live in these trailer parks find that their homes are no longer there. This bill doesn't require that these lands always be trailer parks, but it does provide that the people who live on the land have the right of first refusal. It enters them into a position where they have a right to negotiate to preserve their home. I think this is exactly what home rule is all about. It is a most grass root. I oppose the amendment, at this time, and I am going to vote for the bill because I think that if the amendment does anything to take away from the good intent of the bill, it would be an unfortunate thing, indeed. I don't know who conceded that it is the best that they could

hope for, but when I saw this bill pass the House and come to the Senate, I was happy indeed and I am happy in my sense, at least, to feel that this bill has a good chance of passing the Senate. I rise in opposition to the amendment.

SENATOR JOHNSON: I rise in opposition of this amendment also. I think I concur with the comments of Senator Hounsell, and for the same reasons I have any number of manufactured housing parks in my district there. I think it is just fairness to those people that they have the right of first refusal and I personally am surprised that the testimony that Elliot Berry conceded to this, if he did, it was probably as a last ditch effort there. I think we should to defeat this amendment and carry out the original purpose of this bill which is, indeed, home rule, literally and figuratively.

SENATOR TORR: Senator Hounsell, would you believe that I was part of the process in working out a negotiated agreement between the manufactured home park owners and also the tenants. Elliot Berry and Jim Bianco agreed to this amendment and this very reliable amendment?

SENATOR HOUNSELL: I believe that and I know that you put effort in the spirit of compromise. To that, I commend you because you were willing to take a position of compromise to bring people together. However, although the spokesmen were in attendance, I would offer that, in my district as well as Senator Johnson has indicated in his, there are many people who live in mobile homes. I am very much aware of those people who, although they have lobbyists speaking for them, don't have time to come down and voice their concern. My concern is that they will not understand what the amendment did. In fact, they will feel as though they didn't get anything and I sort of believe that. I commend you for your spirit of compromise, but I think that this bill in effect is neutered by the amendment. I have to strongly oppose the amendment for the people who live in trailer parks and who don't come to speak to us at our convenience.

SENATOR CHANDLER: I also rise to oppose the amendment. I think the bill was all right the way it was at the beginning. Even though the amendment is some kind of a compromise, I don't think we need to compromise on this issue. I think the original bill is what we want, the original bill is what we should have and the original bill is fair to the tenants. I support the bill without the amendment.

Amendment failed.

SENATOR MCLANE: I would like to speak in favor of HB 294, as it came to our committee. I believe that the owners of trailer parks have a fine guarantee within the bill as it is before you in your package now, without the amendment. In that bill, if an association registered with the Secretary of State as a tenants association containing a larger percentage than 50% of those members of a manufactured housing park association, decide that they would like to purchase that park what they have to do is meet a legitimate selling offer that comes to the owner of that manufactured housing park. I don't believe that it is possible for an owner to lose money under this very carefully drafted bill. There have been three instances in New Hampshire where manufactured housing parks have been purchased by the tenants association. It was made aware, by Elliot Berry, of the need for low income housing in New Hampshire and the tragedy that happens when these parks are sold to a bidder which then asks everybody to move. The good old manufactured home of the old days, what we use to call trailers, could be moved. These today not only are very expensive to move, but there is no place to put them. If you want to do something in a very quick and easy way, for low income housing in this state, I would urge you to vote for HB 294.

Senator Dupont moved to lay HB 294-FN-A on the table.

Senator Chandler requested Roll Call.

Senator Hounsell seconded.

Those in favor: Senators Hough, Dupont, Blaisdell, Stephen, St. Jean, Torr, Delahunty, and Preston.

Those opposed: Senators Bond, Hounsell, Heath, Freese, Chandler, Disnard, Roberge, White, Pressly, Nelson, Charbonneau, McLane, Podles, Johnson and Krasker.

8 Yeas

15 Nays

Motion failed.

Question: Ought To Pass.

Adopted. Ordered to Third Reading.

HB 319-FN-A, Establishing a premium upon the sale of alcoholic beverages for use in the prevention and treatment of alcohol and drug abuse and the rehabilitation of drug abusers and making an



appropriation for the alcohol and drug abuse prevention committee. Ought to Pass with Amendment. Senator Roberge for the Committee.

SENATOR ROBERGE: Two million dollars has been allocated in the budget. The amendment is no longer necessary and I would ask you to defeat the amendment.

SENATOR STEPHEN: I urge members to vote no on the amendment, so we might consider HB 319 in its original form.

The time has come for us in New Hampshire to become responsible about the sale of alcoholic beverages. The way to begin doing this is passing HB 319 unamended. While the New Hampshire liquor commission original role was to tightly control the sale of alcoholic beverages, the New Hampshire General Court, over the years, has turned the liquor commission into the most aggressive liquor salesmen in the northeast. Marketing strategies include Sunday sales, credit cards, brown bag specials, huge interstate stores, out of the State promotions and now toll free numbers. New Hampshire has thus reaped financial rewards in the amount of \$58 to \$60 million dollars per year by selling alcohol. Every New Hampshire citizen benefits from this revenue. Yet, collectively we have failed to meet our responsibilities. Alcohol is the number one drug abuse by New Hampshire adults and young people. In fact, alcohol problems outweigh other drug abuse by 3 to 1. New Hampshire estimates there are 130,000 alcohol abusers, over 25,000 being teenagers. In fact, 21% of our kids in New Hampshire, under the age 14, are in trouble with alcohol. Yet, because of bare bones funding for State sponsored prevention in treatment programs, only 4% of all the victims of substance abuse now receive any treatment. This is a disgrace. In 1945, the New Hampshire General Court passed legislation recognizing alcoholism as a disease, yet over the years, New Hampshire has done very little to fund treatment programs, which today have success rates over 75% or more. Over the past ten years, various attempts have been made through appropriations to the general fund or by introducing legislation similar to HB 319 and every year up to date, the money to fund meaningful programs has never materialized, just promises in the last six years that I have been here. Because of this denial of social stigma, many victims of alcoholism are silently suffering. Yet, across the State today, the general public is clammering for us in Concord to stop the rhetoric and begin funding prevention and treatment programs. Over recent years, we have given the New Hampshire O.D.A.B little over \$1 million in State

money, which is like fighting the war on drugs with a rusty pop gun. Yet, we have had no problems spending \$750,000 to market alcohol. Where are our priorities? What kind of confusing messages are we sending to our young people? Don't be misled by the confusion surrounding some \$6 million being spent by the Division of Youth Services for treating the youth. This is a very small population of youngsters in the court system, only some of which are alcohol drug related. There remain huge populations of teenagers, adults and elderly citizens that are victims of alcohol drug abuse, that are being turned away from our very limited treatment services. There are the best, but piece meal schools and community prevention and education programs now available. I've been here in Concord a few years and I am closer to the liquor industry than most of you people. I run a restaurant, as you all know. In our hearts, we Senators have sincerely intended on doing something about our alcohol problem in New Hampshire. Each time HB 319 or types such as that legislation comes through the General Court, it gets amended with funding to come from the general funds. But, no matter what figures are mentioned, such as mentioned today, the money is never appropriated. I, for one am tired of this sad game and am ashamed of our collective irresponsibilities. I want to face people in my district proudly and say, I have listened to your concerns. I hope that this Senate will do likewise. I can tell you here, continually, in this State Senate, our most important resource is the people of New Hampshire. So, shouldn't we take care of the people, especially the young people in New Hampshire and this is the way to do it. Thank you.

SENATOR CHANDLER: I agree with about 99% of the things that Senator Stephen has said. I know we have a big problem and I know that something should be done about it. I agree with the seriousness of the problem as elucidated by the honorable Senator from Manchester. However, the real question here is the source of the funds to do this. That is what the Ways & Means Committee majority in its wisdom said, that they did not favor earmarking funds from the sale of liquor, beer and wine. They didn't want to earmark and take the money by an added cost onto that, even though it would be small by bottle. It's the principle of the thing. They think that the funds to fund this program should come from the general funds. I think what funds they've had and what funds that would be in the operating budget I think would be sufficient to take care and do something about it and not to put it on as an added cost to the sale. The principle of earmarking certain funds for certain things could be carried to far. We earmark things now, but I don't think we should keep on doing it. The legislature, the finance committee and the budget com-

mittee will not be able to do anything because too many funds will be earmarked. That is the reason for the amendment.

SENATOR NELSON: Senator Roberge, I didn't quite hear what you said initially. Why is there an amendment on the floor to this bill?

SENATOR ROBERGE: I asked that the amendment be defeated because I am assured that we are going to fund this program with \$2 million dollars out of the budget and it is going to be included in the budget, a million a year. That's very, very close to what Director Geraldine Sylvester originally asked for. Senator Stephens concerns, I think that it comes very close to the original request and I am assured that it will be included in the budget.

SENATOR NELSON: Do you have any indication as of this moment today that that particular figure has been put into the budget?

SENATOR ROBERGE: I would defer to Senator Blaisdell who is the chairman of Senate Finance.

SENATOR BLAISDELL: Late last evening or earlier this morning, Senator, we put \$2 million dollars in the budget for this, \$1 million each year. That was the vote of the Senate Finance Committee late last evening.

SENATOR NELSON: Senator Blaisdell, I heard testimony just recently, that that's been said over the years. What is your sense, having a good look at the whole picture, that \$2 million will remain in the budget?

SENATOR BLAISDELL: Well Senator, as you know, you have a vote and so do I. We only have one vote. We only represent one vote in this Senate. I think by the commitment that I heard from Senate Finance last evening that certainly I can assure you that Senate Finance will back that. Senator McLane can speak to it if you would like. Senator, I have a deep feeling about this problem, just as much as anybody else in this room. I am trying to do the very best I can to get as much money into it as I can. I want to pass something in this Senate that will be beneficial to the problems that Senator Stephens is talking about, and I can tell you that we put \$2 million dollars in the budget last evening.

SENATOR NELSON: Knowing that we all have feelings, but this is a matter of fact that we are trying to sort out here. I would like to

know from you, Senator, if you are the appropriate person, how many dedicated funds do we now have in the State of New Hampshire?

SENATOR BLAISDELL: I can't give you that answer.

SENATOR NELSON: Senator Roberge, do you know how many dedicated funds there are in this State?

SENATOR ROBERGE: No, I don't.

SENATOR STEPHEN: Senator Chandler, you are concerned about earmarked funds not going to problems such as this. Don't we do the same in Transportation and other agencies such as, repairing the roads and the transportation funds are coming from the gasoline industry?

SENATOR CHANDLER: I said that in my remarks.

SENATOR STEPHEN: From what I understand, we have many of this same kind, maybe 30 of this, the earmarked funds going right to the problem, so why can't we have this? What is the problem of charging a cent of two or three? A cent, I understand, on a liter is like a large coca-cola bottle or a six pack, who is going to notice the difference?

SENATOR CHANDLER: Nobody will notice the difference. It is the principle of the thing that we are arguing for and even though the highway fund and the fish and game fund are earmarked, I don't think we should continue to expand these earmarked funds because we are just taking away the judgement of the legislature to what to do with the money. The legislature votes for the budget. If there is \$2 million dollars in the budget, then we don't need to earmark.

SENATOR JOHNSON: Senator Blaisdell, through the discussion of the questions and so forth, in regard in going with this bill or going with this amendment or waiting to see what happens in the budget itself, would it be appropriate to lay this bill on the table now, pending some outcome of satisfactory funding?

SENATOR BLAISDELL: Senator Johnson, what I would do if I were you, being a Ways & Means bill, if I were you I would pass the amendment and send it down to Finance and we will put the \$2 million dollars in it.

SENATOR STEPHEN: Senator Blaisdell, I respect you in your cause for drug abuse people, and alcohol related. But you have been

here much longer than I have and you have spoken many years to help these people with such problems and you know in the past years that money appropriated, and monies supposedly coming from the general funds, has never been there. Why do we say it is going to happen now, when it has never happened? You know that this is directly going to come from the liquor funds to help these poor people that you support, Senator?

SENATOR BLAISDELL: Senator Stephen, you are absolutely right. I do support them, I have supported them. But you know in 18 years, someone over there that used to sit in that first district taught me a long time ago about a problem that came up on the Senate floor. When I asked him what he was trying to do with a particular piece of legislation, he couldn't answer me. All he told me was, he had the votes to do away with a certain piece of legislation. What I am trying to do is to salvage \$2 million dollars for that fund. I have taken a tremendous amount of heat on this from people and I have been abused. I've been threatened. I have done everything else, which I don't mind and I know their cause is just and they are very upset. What I am trying to do, Senator Stephen, is to get \$2 million dollars. I don't care where it comes from. It's going to come out of the general fund, as long as it is dedicated to that problem that you and I know is so bad.

SENATOR PRESTON: As I see the original bill, I urge my colleagues that even if this goes down to Finance, that we support the bill in its original form. The liquor commission itself has determined that, if they impose these fees of .05 or .02 per liter, then it will increase the liquor cost by over \$2 million a year and not diminish the volume sold within the State of New Hampshire. The liquor commission itself has made that determination. Let's show a little consistency here within the Senate when we vote for things. We seem to talk about dedicated funds when it is to our convenience. I just reported a bill out that dedicated funding to the office of Vacation Travel, that you unanimously voted for, that would allow them to keep their monies to buy posters and promote tourism within the State of New Hampshire. That is a dedicated fund. It is interesting to me that the penalty assessment fund, from which we build schools to train policemen as a part of their duties to go out and arrest people who are impaired because of drugs or booze. It is interesting to me that out of the penalty assessment fund, we want to dedicate \$1 million dollars to a medical examiner to conduct autopsies on dead bodies and in a lot of cases, a result of drug activities or booze. Let's show some consistency and not hide behind voting for a bill in its



original form because it dedicates funding. That is a ridiculous argument or you are being inconsistent if you hold it up at this time, because you want to use another method to fund this. There is not one single family, not one person in this room, who hasn't suffered the ill effects of sons, daughters, husbands, wives, mothers or fathers because of alcoholism or drugs. The first bill that I ever endorsed and sponsored in the Senate was to tackle or tack on pennies on the sale of liquor in the State of New Hampshire because of the tremendous problem. I read the material from the office of alcohol abuse saying that there are 130 people are affected by drugs and booze. That is absolutely ridiculous. I'd say with families, children, neglect, that it is 50% of the families in the State of New Hampshire that are affected or more. Now the time to face up to this problem is now. I don't want any accusations made of who did what or who promised what. Let's have the intestinal fortitude to stand up and say we'll impose these fees on liquor. It's not going to hurt a damn bit on the revenues that go through and if you want to take a walk through some of these institutions or spend a night down at the Hampton Beach police station on a Saturday in the summer, you would vote for this bill in its original form.

SENATOR HOUGH: If I am correct in regards to the parliamentary procedure, I am going to vote in favor of the Roberge motion, to defeat this amendment. I am going to vote to defeat this amendment, because I am in disagreement with the Ways & Means Committee amendment relative to this bill. I am going to hope to have the opportunity to vote for the bill as it was introduced.

Senator Chandler, there is no question that the principle dedicated funds in this State and the States across the nation are Fish and Game and Highway. Incidentally, as you would review the accounts of the State of New Hampshire, you would find a litany of other special trusts and special escrow accounts that have dedicated purposes. As a well founded principle of government, one looks to the general fund to assess the priorities of the public needs in any jurisdiction and I have subscribed to that for years. I think there isn't a member in this room that would not also have to admit that human lives, human misery and all that that entails, has a sacred, if not more sacred, position in regards to the public trust in their funds, than Fish & Game and Highways. That's what the issue here is today. The issue is a change in the philosophy of government. It goes to the root causes of the problems we are facing with an ever increasing population at the state prison. It goes to the cause for an ever increase in the population at the youth development and all of the services that

are demanded on our new children in our youth division. This is a problem that goes to the root cause of our mental health delivery system, of our public health, of our decaying spiritual and family values in this nation and in this State. I want to be very honest with you. Yes, this is a dedicated fund and it is going to cost you money and not only is it going to cost you money, it is going to impact the funds that you would otherwise have for general funds purposes, and as this bill is presently structured, with the guarantees entailed, if you cannot meet the obligations of this bill, it is going to be further subsidized by general fund revenues. Let's be perfectly honest and up front and recognize what it is that we are faced with here. We are making a very definite, long term, absolute commitment to a problem that affects every human being in the State of New Hampshire. The reason I can support this bill as it is introduced is that I am committed, convinced that the only way that we can begin to start addressing the human misery that we see in our State is to go to the root cause and this is the vehicle for which you should support. That is why I am going to vote for the bill as it was introduced and that's why I am going to vote for the Roberge motion to defeat the amendment.

SENATOR WHITE: I rise in support of the committee report of ought to pass with amendment. I think if you look at the figures that are on page 11 of the bill, they are indicating \$750,000 each year of the biennium. In the budget, there is \$6.4 million dollars for drug and alcohol abuse. As it has been pointed out to you already, we have roughly another half a million that is going in when the bill reaches Finance. Whether we pass the bill with or without the amendment, it is my understanding that the bill will go to Finance. I hope that you could pass the bill with the amendment. It shows a faith effort from the Senate, that we are willing to put our money where our mouth is. Basically, we all gathered before the session saying we wanted to do something about drug and alcohol. Senator Torr's bill earlier set out a guideline whereby people picked up for DWI would have, in addition to their prison term, they would go up to the Lacoconia State School and they would be treated for it. We have put many dollars into the drug and alcohol program this year. This is a needed program, it's needed money and I think that the leadership of this Senate has gone on record as saying that they will put the money in. I will trust them that when it goes to Finance that they will put in the extra half a million. This will be back on the floor next week and we can address it again and I would urge support of the committee report of ought to pass as amended.

SENATOR NELSON: Senator White, you just used the figure of \$6.4 in the budget. I was wondering to what that refers?

SENATOR WHITE: That is the entire drug and alcohol section in the budget, underneath Geraldine Sylvester.

SENATOR NELSON: What exactly is that, just so we have an idea?

SENATOR WHITE: I regret I can't break it down for you. I did go and ask what the figure was and that is the figure I was told. Perhaps someone in Finance can break it down for you.

SENATOR DUPONT: I'm going to put my Senate Finance hat on here for a second and just ask you to think about a couple of things. I don't think anybody here today has any problem with spending more money on a drug and alcohol programs. We had an opportunity, last night, to go over the bill in the fiscal with Charlie Conner from LBA, the office down there that we put a lot of trust in to come up with information we need, to help us do our job. There is a couple of significant facts that Charlie brought, that I would like to share with the Senate. First off, their calculations of the actual revenues that this bill will produce really hover around \$1.8 million per year. In the bill, you have an appropriation of \$2.5 million, so what you have is a situation where you not only are going to be taking the \$1.8 million out of the tax, but there is potential liability to the general fund of about \$700,000 per year, by this bill. Along with the fact that you have to have collection expense built in, which the bill does nothing to take care of, and even if you assume that there won't be any decrease in sales, there is that potential. You really are doing something here that has a fiscal impact that is greater than what the bill purports to, because it does appropriate \$2.5 and our best estimate indicates that its actual revenues will only be \$1.8 million. You have to take that into consideration. I stand in support of the amendment and I am willing to make the commitment in Senate Finance to put the \$2 million into the program. I think the most prudent thing that the Senate can do today is pass the amendment as presented by Ways & Means, send this bill down to Finance. The budget will be coming out with \$1 million each year and I think the Senate will have made the commitment that Senator Stephen has spoken about this year, that has never been made in the past. I think we are ready to make that commitment and I urge the Senate to support the amendment and make the step forward and that is what the amendment does.

SENATOR WHITE: Senator Dupont, would you consider, if we didn't pass this amendment, that possibly that the surcharge could be equal to a tax on joe six pack?

SENATOR DUPONT: It could, Senator, and I am not being unfair when I say this, that we took a real hard look at this and I have confidence in the numbers that Charlie has presented to us and I just think the Senate ought to be aware of some of the other considerations that this bill doesn't address.

#### AMENDMENT TO HB 319-FN-A

Amend the title of the bill by replacing it with the following:

##### An Act

making an appropriation for use in the prevention  
and treatment of alcohol and drug abuse and the  
rehabilitation of drug users and making an  
appropriation to the catastrophic  
illness fund.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The general court recognizes the increasing problem of substance abuse among the citizenry of New Hampshire and wishes to address this problem by providing support for efforts to alleviate this problem.

##### 2 Appropriation.

I. There is hereby appropriated the sum of \$750,000 for the fiscal year ending June 30, 1988, and the sum of \$750,000 for the fiscal year ending June 30, 1989, to the office of alcohol and drug abuse prevention. This appropriation shall be used only for alcohol and drug abuse education and prevention activities and for the treatment and rehabilitation of alcohol and drug abusers and shall be in addition to any other funds appropriated to the office for the biennium.

II. No more than 7.5 percent of this appropriation shall be expended for administrative costs of the office of alcohol and drug abuse prevention.

III. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Implementation Plan. Prior to expending any funds from the appropriation authorized by section 2, the office of alcohol and drug

abuse prevention shall develop a plan for such expenditures and shall submit such plan to the legislative fiscal committee for review and approval.

4 Appropriation. The sum of \$25,000 for the fiscal year ending June 30, 1988, and the sum of \$25,000 for the fiscal year ending June 30, 1989, are hereby appropriated to the division of public health services, department of health and human services for deposit into the catastrophic illness program fund established under RSA 137-G:4. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect July 1, 1987.

Senator Roberge moved to defeat the amendment.

Motion failed.

Amendment Adopted. Referred to Finance under Rule 24.

Senators Preston, Stephen, Hough, Pressly, Nelson, Krasker and St. Jean wish to be recorded as opposed to amendment adoption.

Recess

Out of Recess.

HB 155-FN, Relative to sunset review of the board of education - food nutrition. Ought to Pass. Senator Disnard for the Committee.

SENATOR DISNARD: HB 155-FN is only a sunset review of the board of education - food nutrition unanimously recommended by the Education Committee.

Adopted. Ordered to Third Reading.

HB 152-FN, Relative to the sunset review of the board of education - administration and support. Ought to Pass. Senator Disnard for the Committee.

Senator Disnard offered a floor amendment.

SENATOR DISNARD: As a freshman Senator I have learned when you recommit a bill, any amendment that is in the calendar is lost. You are now receiving a copy of a floor amendment, but it is the copy of the amendment that was in the calendar last Tuesday. All this does is it helps the unorganized areas in the North Country to be



funded. The State Department of Education notifies the revenue administration of how much money they need to operate revenue administration taxes, \$180,000 was raised by taxes, only authority to spend \$115,000. This amendment assists the unorganized areas to be able to pay their bill. The money is there. This authorizes to pay the bills for this year.

SENATOR BOND: Just a clarification, the unorganized towns are primarily in the northern part of the State. The State of New Hampshire provides the municipal services for those towns, which do not have their own Government. In this case, the State Department of Education needs these funds to provide for the school aid for the students in those unorganized towns.

Floor Amendment to HB 152-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to sunset review of the board of education -  
administration and support, and making a  
supplemental appropriation for  
unorganized districts.

Amend the bill by replacing section 1 with the following:

1 Sunset; The Board of Education - Administration and Support Renewed. The board of education - administration and support, PAU 060301 is hereby renewed to comply with RSA 17-G. The agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

Amend the bill by replacing section 3 with the following:

3 Supplemental Appropriation. In addition to any other sums appropriated to PAU 06, 03, 02, 01, financial aids to districts-state, class 94, unorganized districts, the sum of \$67,456 is hereby appropriated for the fiscal year ending June 30, 1987. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Floor Amendment Adopted. Referred to Finance under Rule 24.

HB 105-FN, Relative to sunset review of the Secretary of State — legislative services. Ought to Pass with Amendment. Senator Disnard for the Committee.

SENATOR DISNARD: HB 105-FN covers three areas; sunset review, Secretary of State and it also includes, and the amendment is on page 37 of the Supplemental Calendar. At the request of the Secretary of State, this indicates that RSA 211:18 would have re-inserted the term "Secretary of State". Evidently, the past legislature withdrew that term. That meant that the Secretary of State was unable to go outside for printing of any materials, such as the red book and this is causing problems. All this does, is re-insert the term "Secretary of State."

The second amendment refers to election form. It requests and it will need, if this is passed if you file with office of the presidency or the vice presidency of the United States, besides your name, the town, city and state would be inserted. Evidently, our good Secretary of State is looking forward to elimination of possible problems. In other States, if someone has run for an election, such as Gary Hart, someone else would write Gary E. Hart. If someone ran as Jack Kemp, someone would write Jack E. Kemp. This concern was causing problems to the voters of those States. This way, it would clearly identify who the individual is who is running for that office.

#### AMENDMENT TO HB 105-FN

Amend the bill by replacing section 1 with the following:

1 Sunset; The Secretary of State - Legislative Services Renewed. The secretary of state - legislative services, PAU 010603 (formerly PAU 010703), is hereby renewed to comply with RSA 17-G. The agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

Amend the bill by replacing section 3 with the following:

3 Secretary of State Added. Amend RSA 21-I:18, III to read as follows:

III. The legislature, secretary of state, court systems and the state reporter are completely exempted from the provisions of this chapter.

4 Reference Addition. Amend RSA 656:31 to read as follows:

656:31 Form. On the presidential primary election ballot of each political party, there shall be one column for the office of president and one for the office of vice-president. The columns shall be headed "Candidate of the (insert name of party) Party for President (or Vice-

President) of the United States". Underneath this heading there shall appear the words: "I hereby declare my preference for candidate for the office of President (or Vice-President) of the United States to be as follows". Below these words, there shall be printed the [names] name, town or city, and state of [the candidates] each candidate with boxes directly to the right. There shall always be one blank space on the ballot below the candidates' names to allow for writing in the name of a candidate.

5 Effective Date. This act shall take effect upon its passage.

Amendment Adopted. Ordered to Third Reading.

HB 204-FN, Requiring the supervisors of the checklist in the New England states to be notified when a voter is added to a checklist in New Hampshire. Ought to Pass. Senator Disnard for the Committee.

SENATOR DISNARD: HB 204-FN only requires supervisors of the checklist to notify other New England states when a voter has changed his or her address.

Adopted. Ordered to Third Reading.

HB 698-FN, Requiring accessible polling places and voting booths for physically disabled and elderly persons. Ought to Pass. Senator Disnard for the Committee.

SENATOR DISNARD: HB 698-FN requires accessibility for the polling places and voting booths for the physically disabled and elderly person and it follows constitutional amendment.

Adopted. Ordered to Third Reading.

HB 122-FN, Relative to sunset review of board of psychologists. Ought to Pass with Amendment. Senator Disnard for the Committee.

SENATOR DISNARD: HB 122-FN, again, is an easy bill. It's just a sunset review for the board of psychology.

#### AMENDMENT TO HB 122-FN

Amend RSA 330-A:3 as inserted by section 3 of the bill by replacing it with the following:

330-A:3 Board. There shall be a board of examiners of psychologists consisting of 7 members: 2 certified psychologists; one certified

associate psychologist; one teacher of psychology who has received a doctoral degree in psychology, is a member of the faculty of an accredited college or university in this state, and is actively engaged in the teaching of psychology; one certified pastoral counselor; one certified clinical social worker; and one public member; each to be appointed by the governor, with the approval of the council, to a term of [5] 3 years. Members shall be appointed to staggered terms. In order to effect staggered terms the public member and the associate psychologist shall receive initial appointments of one year; the certified pastoral counselor and certified psychologist shall receive initial appointments of 2 years, and one certified social psychologist, the doctoral level teacher of psychology and the certified clinical social worker members shall receive initial 3 year appointments. The board shall elect a chairman each year with no person serving consecutive terms as chairman. No member shall be appointed to more than 2 consecutive terms. Only board members provided for in this section shall have the authority to vote in board determinations.

Amendment Adopted. Ordered to Third Reading.

HB 591, Relative to retention of state election ballots. Ought to Pass. Senator Disnard for the Committee.

SENATOR DISNARD: HB 591 again is an easy bill. "May" replaces the word "shall" in terms of keeping ballots beyond thirty days. This bill provides that all state election ballots, remaining in the possession of the town or clerk may be destroyed of the expiration of sixty days.

SENATOR PODLES: Senator Disnard, could you please tell me what is currently being done with these ballots, how long do they keep them for?

SENATOR DISNARD: My understanding is they shall be destroyed after sixty days.

SENATOR PODLES: So, you're not changing the law?

SENATOR DISNARD: We are changing "shall" to "may".

Adopted. Ordered to Third Reading.

HB 573-FN, Establishing fire standards and training council within a department of post-secondary vocational technical education. Inexpedient to Legislate. Senator Disnard for the Committee.

SENATOR DISNARD: This bill is very similar to SB 216, which this body unanimously voted inexpedient to legislate. This bill re-names the fire standards and training council and moves the council within a department of post-secondary vocational technical education. We are recommending inexpedient to legislate.

Adopted.

HB 683-FN, Relative to state employee benefits. Ought to Pass. Senator Disnard for the Committee.

SENATOR DISNARD: HB 683-FN is important for the state employees. This past week we certainly realized how important the state employees have been, especially in the emergency situations which we have experienced across the street. How would you like to work for 37 hours for the State of New Hampshire and find out that the other employees working 37 1/2 hours receive full benefits for dental and health. How would you like to be sent home one half hour early on Friday, such as 14 workers in the Division of Public Health, so that the State won't have to cover them in health and dental. How would you like to be one of the 267 state workers, who regularly work 30 hours, but because they do not have 37 1/2 hours, they do not receive any dental or health coverage. Please listen, this is a pro-rated bill. If you work less than the full 37 1/2 hours and over 30, you have pro-rated abilities to join the group health and dental coverage. How many of you people know others who are unable to have adequate health insurance? When I used to negotiate the workers that sat across the table from me, health and dental benefits were the most important concerns. I don't see, when I listen and hear many of you people say, it's difficult for the State to obtain good conscientious employees and indicate how difficult it is to keep good conscientious employees. I don't believe how we can really say we don't want to allow these people to have group coverage, pro-rated between 30 and 37 hours.

Adopted. Ordered to Third Reading.

HB 163-FN, Relative to sunset review of boxing and wrestling commission. Ought to Pass with Amendment. Senator Disnard for the Committee.

SENATOR DISNARD: After I introduce this bill, I will refer to the boxing commission. HB 163-FN is relative to the sunset review of the boxing and wrestling commission. With the amendment that is



on page 8 of the supplementary calendar; merely institutes a boxing and wrestling commission. I will defer to Senator Stephen if there are any questions. He is the expert in boxing and wrestling.

SENATOR STEPHEN: The problem in the House in renewing the commission on this sunset for one year was they wanted to update the rules on wrestling and boxing. I have the rules right here. I went over them and I am going to present them to the House.

#### AMENDMENT TO HB 163-FN

Amend the bill by replacing section 1 with the following:

1 Sunset; Boxing and Wrestling Commission Renewed. The boxing and wrestling commission is hereby renewed to comply with RSA 17-G. The agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

Division vote on adopting amendment:      20 Yeas      1 Nays

Amendment Adopted. Referred to Finance under Rule 24.

HB 361-FN-A, Redefining references to the United States Internal Revenue Code for purposes of the business profits tax. Ought to Pass with Amendment. Senator Stephen for the Committee.

SENATOR STEPHEN: HB 361-FN is redefining the Internal Revenue Code for the purpose of the business profits tax. The State has to conform with the IRS and try to bring in line a new tax code for the purpose of the BPT.

Senator Stephen moved to substitute floor amendment for committee amendment.

The floor amendment changes the date of the amendment to June 30, 1988 and currently our business profits tax is 8 1/4% and it is down to 8%, this bill would bring it to 7.5%. Clearly, 91% of business in the State of New Hampshire paid in 1985, rather paid the business profits tax and it's 90% of the businesses. If we are going to have a surplus in this State maybe it is the best thing to let it go back to the businesses and this will increase more industry moving to the State of New Hampshire.

SENATOR WHITE: Senator Stephen, just for the record, I am trying to figure out, we have a corporation and our business is on calendar year basis. So, when we file a business profits tax, how will we know which tax will prevail?

SENATOR STEPHEN: In July it goes down to 8%, you are paying 8 1/4% right now. If we pass this amendment it will be 7.5%.

SENATOR WHITE: I understand it will be 7.5%, but when I go to file my return what will it be?

Recess

Out of Recess

Senator Blaisdell in the chair.

SENATOR BARTLETT: Senator White, this does not run calendar year. This is going to pick up our fiscal year. You pay the applicable tax based on your estimate the first part of the year.

SENATOR WHITE: Then we would pay it April 15, based on the prevailing rate at that time?

SENATOR BARTLETT: You would adjust your taxes. You are going to pay, in that year, 8% through June 30 and then you are going to pick it up and pay the 7.5%. What you do the first two quarters of 1988 you will pay the 8% rate. How you and your accountant do your estimating is something I can't tell you how it's going to happen. The department of revenue said this is the way to do it, to keep consistent with our budget. So that the money at the 7.5% actually comes in in the year July 1, 1989 to June 30. I am sure that your accountant will tell you how to adjust it. It will be a savings.

SENATOR WHITE: We own a gun shop and I would assume that all of our profit would come in the last half of the year, so that we are paid only on the profits that we make since we have a loss in the first half of the year.

SENATOR BARTLETT: If that is a question, Senator White, if I had a good accountant, that is how I would figure it out, also.

SENATOR PRESSLY: Senator Bartlett, could you tell us what the projected revenue figure is for the business profits tax?

SENATOR BARTLETT: Projected revenue for the business profits tax is \$142 million for the first year and \$145 for the second year. I will try to give you a little bit more feedback if you would like. As you are aware that the federal government has changed its method of taxation, line 28 has changed to a higher amount in the previous years because the business tax change. We do not know what that

increase in line 28 is going to drive the business profits tax to. What we have done here, if it drives it to \$162 million, the freight will automatically drop to 7.5 in the second year of the biennium.

SENATOR PRESSLY: I was aware of what you have said. My main question is the difference in what your basing the projected revenue business profits tax that you are basing your budget on, the difference between that and the \$162 million.

SENATOR BARTLETT: For the biennium, we are estimating \$287,000, you take \$162 from that and that would be the amount that we need to collect in second year to balance our budget if we use business profits tax loans.

SENATOR PRESSLY: In your opinion, in the committee that you are working with, do you feel that that is an ample cushion to cover the State expenditures, should, in fact, it reached that level and it dropped to 7.5%?

SENATOR BARTLETT: A half a point in this profit tax is worth \$10 million dollars. If we reach the goal of whatever people project of \$162, we would drop it a half a point. If everything stayed even it would drop back to \$152, if it dropped back more it would drop to \$142. We got about a \$20 million dollar cushion.

SENATOR PRESSLY: I think it is a very appropriate mechanism and I commend the committee for doing this. Is there any reverse mechanism that you've also thought of, in the future, should the reverse happen?

SENATOR BARTLETT: This tax is only for the second year of the biennium, the next biennium of the tax goes back to 8% and then we start over again. It is only for the period between June 30 and July 1, that is only period that the 7.5% is there. This is a temporary tax for that period only. It's not carried forward.

SENATOR PRESSLY: Would you believe that I commend you and the committee for putting together this mechanism and I think it certainly is a worthwhile effort.

SENATOR WHITE: I rise in strong support of the committee amendment. I suppose in the next year and a half, we can figure out how we will pay our income taxes. I think it is a following through on the promise that we have made to the business community to lower the business profits tax. I commend them for their amendment that is before us today and urge support of the Senate.

SENATOR HOUNSELL: I rise in support of this amendment. I don't do it so much for the business communities, but for the consumers and taxpayers of this State, who this tax is eventually placed upon. I am very happy to be supportive of a measure that is going to roll back taxes. Even though it's temporary, it's at least a step in the right direction. I urge strong support of this amendment.

Floor Amendment to HB 361-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

redefining references to the United States Internal  
Revenue Code for purposes of the business  
profits tax and relative to the rate  
of the business profits tax.

Amend the bill by replacing section 7 with the following:

7 Contingent Rate of Business Profits Tax. Notwithstanding the provisions of RSA 77-A:2, the tax imposed under RSA 77-A shall be imposed at the rate of 7.5 percent upon the taxable business profits of every business organization whose fiscal year ends after June 30, 1988, and before July 1, 1989, if the total business profits tax revenues collected during the fiscal year ending June 30, 1988, and certified as provided in section 8 of this act equal \$162,000,000 or more.

8 Certification of Business Profits Tax Revenue. The legislative budget assistant shall certify to the fiscal committee of the general court the total business profits tax revenues collected during the fiscal year ending June 30, 1988. This finding shall be reported no later than September 30, 1988.

9 Pro Rata Reduction. If the business profits tax rate is reduced to 7.5 percent as provided in section 7 of this act, there shall be a pro rata reduction in the official estimate of business profits tax revenues for fiscal year 1989.

10 Effective Date.

I. Sections 1-6 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 1988, and shall apply to returns and taxes due on account of taxable periods ending after June 30, 1988, and before July 1, 1989.

Floor Amendment Adopted. Referred to Finance under Rule 24.

Recess  
Out of Recess

Senator Bartlett in the chair.

Senator Blaisdell moved to waive reference of HB 163 from Finance under Rule 24.

Adopted. Ordered to Third Reading.

### COMMITTEE REPORTS

HB 276-FN-A, Relative to the rate of the real estate transfer tax. Ought to Pass with Amendment. Senator Blaisdell for the Committee.

SENATOR BLAISDELL: This is another one of the promises that I am sure that a lot of us have made. The Senate Ways & Means Committee did a lot deliberation on this particular piece of legislation. Right now we want to reduce the real estate transfer tax from that 375 down to 3. We feel that this was a proper approach. We feel that a promise was made by most of us who ran in the last election and this was something we would do. I can tell you now that if you kill this bill, it will return to 250 and the State of New Hampshire will loose between \$32 and \$40 million dollars and I don't think that is what anybody in this room wants to do. I ask you support of the committee report as amended.

SENATOR HOUNSELL: I rise in opposition to this bill. I think the proper motion that this body should deliberate on is inexpedient. I think that if we roll this back the 250 as promised and promised and promised, we would have ourselves in the position of keeping a very distinct promise and whether or not we take \$30 million dollars from the State, we should be mindful that we would be allowing the tax-payers to keep \$30 million dollars in their pockets. I think if we would want to vote for the best reduction, we would vote inexpedient and watch this tax roll back the promised level.

SENATOR MCLANE: I rise in strong opposition to the pending motion. I sat through the hearing on this bill, which we listened to at least 25 real estate people tell of their hardships under this tax. There was not one of them who would testify that they had lost sales because of this. They've had their say and we need the money. I believe that if you look at the tax structure of this State, you will see that people in business get away with a lot in New Hampshire. They



don't pay a tax that is fair and if we have to live with the tax the is unfair to some, I would suggest that we do so. If there is anyone in this room who feels that we don't need the money, then I ask them to come sit in on our deliberations this afternoon on the budget. I for one am not going to vote to lower this tax.

SENATOR HEATH: Senator McLane, you said that the businesses didn't pay a fair tax. I wonder if you were referring to the loophole with most attorneys of business profits tax?

SENATOR MCLANE: That is a wonderful question, Senator Heath, and I am so glad that you asked that question, because I know that it comes from great love in your heart. I have supported, along with Senator Chandler, for many years on the elimination of the interest and dividends tax. I have suggested again and again to Senator Chandler that he change but a mere word in the bill that he brings in again and again to eliminate the interest and dividends tax, to make that tax applicable to earned income as well as unearned income. If there is any way that you and I could work together to close that loophole in the business profits tax, I would be happy to work with you, but I have been on the Ways & Means Committee since 1969, long before the business profits tax was written. I have always worked for a fair tax structure for lawyers and everyone.

#### AMENDMENT TO HB 276-FN-A

Amend the title of the bill by replacing it with the following:

An Act

relative to the tax on the transfer  
of real property.

Amend the bill by replacing all after the enacting clause with the following:

1 Temporary Rate for Real Estate Transfer Tax. Notwithstanding the provisions of RSA 78-B:1, I, for the biennium ending June 30, 1989, a tax shall be imposed upon the sale, granting and transfer of real estate and any interest therein, other than by devise or by the laws regulating intestate succession and descent. The rate of the tax is \$.30 per \$100 or fractional part thereof, of the price or consideration for such sale, grant or transfer; except that where the price or consideration is \$4,000 or less there shall be a minimum tax of \$12. Notwithstanding the foregoing provisions, there shall be no tax as exempted by RSA 78-B:2.

2 Effective Date. This act shall take effect July 1, 1987.

Amendment Adopted.

Senator Chandler moved to substitute indefinitely postpone.

SENATOR BLAISDELL: I would like to speak against the motion as given by Senator Chandler. I understand his feelings, but I caution you once again, and Senator McLane has talked about it, we're deliberating down in Finance, trying to come out with a reasonable budget with watchguards over us, as you have noticed by some press releases this morning. This will lose \$40 million dollars to the State of New Hampshire and I tell you, Senator Hounsell, that we are sending back \$19 million dollars to the people of the State of New Hampshire, if we reduce it from 375 to 3. \$19 million dollars goes right directly back. I plead with you not to kill this bill. We need this to be able to do a budget that you will be proud of and I will be proud of.

SENATOR CHANDLER: I think some people are talking out of both sides of their mouth. They say that our surpluses are going to be more and more, almost unbelievable. I think we can well do it to cut down on the spending. If it's going to take out \$40 million out of a revenue, that would probably be good. Maybe we wouldn't have so much revenue to throw away.

SENATOR HOUNSELL: I rise in support of the pending motion. The things that I have been hearing out of Senate Finance is that they have, indeed, been doing the proper thing and that is reducing the House passed operating budget. I stand here as a watch dog over watch dogs and I think that it is important to note that as we are watching each other that we watch the votes. One of the things that we are watching here is the opportunity for us to put to rest this issue of whether or not we are going to roll back this tax to the promise that we made four years ago. That is the reason I support the motion before us.

SENATOR DISNARD: I rise to support Senator Blaisdell. The Education Committee has asked you people for additional millions of dollars to support many programs; increase building, increased cost for tuition and transportation for the vocational skills center, catastrophic aid. Most of you voted for it and I am standing here and hear many of you people bring in favored bills and want money for it. I fail to understand how some people can say we really could lose \$40

million dollars and yet get their favorite programs that they want. I think we have to use our sense for a change and not bleed for the newspapers.

Motion Lost.

HB 276-FN-A Referred to Finance under Rule 24.

Senator McLane wished to be recorded as opposed.

HB 540-FN, Relative to bingo and lucky 7 licenses. Ought to Pass with Amendment. Senator Blaisdell for the Committee.

SENATOR BLAISDELL: HB 540 is nothing but a housekeeping bill for the sweepstakes commission. It establishes eligibility standards for charitable organizations who seek to be licensed to conduct bingo games in the State of New Hampshire. You will find the amendment strikes out section 3 of the bill, that we had a problem with the agricultural fairs. We have taken that out of the bill so you will find that we have not hurt the agricultural fairs. We ask you to support the bill as amended out of Senate Ways & Means.

SENATOR NELSON: Senator Blaisdell, what page is the amendment on?

SENATOR BLAISDELL: The amendment in the book is some place. I don't know; I didn't look.

SENATOR NELSON: On page three of the bill, I was just interested, by striking out the word "charitable organization" that allows them to sell it, it just prohibits an individual?

SENATOR BLAISDELL: That's right, exactly Senator.

#### AMENDMENT TO HB 540-FN

Amend the bill by deleting section 3 and renumbering sections 4, 5 and 6 to read as 3, 4 and 5, respectively.

Amendment Adopted. Ordered to Third Reading.

HB 108-FN, Relative to sunset review of the department of revenue administration - revenue collection, and relative to certain functions of the department of revenue administration. Ought to Pass. Senator McLane for the Committee.

SENATOR MCLANE: This is the sunset bill on the revenue administration. It went through without amendment.

Adopted. Ordered to Third Reading.

HB 193-FN-A, Relative to liquor store relocation and making an appropriation therefor. Ought to Pass. Senator Roberge for the Committee.

SENATOR ROBERGE: HB 193-FN-A would allow the liquor store located in the village of Suncook to be relocated to Allenstown near a main artery, which is felt would generate an estimated increase of 20% in sales.

Adopted. Referred to Finance under Rule 24.

HB 259, Relative to the alcohol content in alcoholic beverages. Split Vote: Ought to Pass/Inexpedient to Legislate. Senator Roberge for the Committee.

SENATOR ROBERGE: HB 259 corrects the definition of wine in current statutes to bring it into agreement with the rest of the laws. There are places where the definition was over 6%, and in some places where it said less than 6%. The Attorney General ruled a few years ago that the definition of wines was greater than 6% volume. This bill brings the statutes into agreement. It also does one other thing. It allows the state liquor stores to handle alcoholic beverages with 6% and more.

Senator Blaisdell moved to substitute indefinitely postpone.

SENATOR BLAISDELL: 94% of the wine coolers sold by the private sector are at exactly 6%. This bill would give these to the liquor commission and take them away from the private sector, which is the mom and pops stores. It is the wrong thing to do. HB 259 was passed unanimously by the House Regulated Revenues Committee, unanimously voted by the House. Please, I ask you to take this bill and send it away. There are a lot of small grocers that are looking at all of us, I suppose. Leave it where it is now. It belongs there. It is for the small mom and pops stores and I hope you'd make this bill as indefinitely postpone.

SENATOR ST. JEAN: Senator Blasidell, how much money would it mean if this were transferred from the stores in this state to the liquor commission?

SENATOR BLAISDELL: I really don't know, Senator, I didn't take a look at that. I think there's a report on the back that says the state expenditures will increase by \$200,000 in the fiscal year of 1988. What the operating costs will be to do this, for the state liquor com-

mission to put in all these big cooler systems that they are talking about, to get these things chilled in the liquor stores, I don't know. That would be something you would have to look up. I didn't think it was worth looking into.

SENATOR ST. JEAN: Isn't it your sense, Senator, that we are into liquor business now, we ought to get into to it wholeheartedly and take over the wine coolers?

SENATOR BLAISDELL: I'll tell you, Senator, I think we are in it too wholeheartedly, as far as I am concerned. I still have, since I have been in this Senate 18 years, I have always tried to defend the small grocers who depend upon this. Don't take it away from them, they need it to be able to pay the business profits tax that all of us want.

SENATOR ST. JEAN: Would you know if there are lightning rods on this building?

SENATOR BLIASDELL: Would I know if there are lightning rods on this building? You have been on this roof a many number of times, you should know better than me.

SENATOR CHANDLER: I speak in favor of the motion ought to pass. I do not agree with Senator Blaisdell that it would take the selling of wine coolers away from the mom and pop stores. Mom and pop stores could still keep on selling it, but this would allow the liquor commission to also sell wine coolers. Wine is considered to be any beverage now with 6% alcoholic content. This would lower it to 5%. The liquor commission would increase state revenue, so the state would have more money to spend on other things. I don't think it would really hurt the mom and pop stores very much because they have longer hours, they can stay open later. The convenience stores could have it and the amount of the wine coolers that the State would sell I don't think would hurt anybody too much. It would produce some more revenue for the State, for all you people who like to spend money.

SENATOR JOHNSON: Senator Blaisdell, if I wanted to protect the interest of the small stores in my district, of which I have many, and if I did not want to give additional authority to the state liquor commission, would I be supporting your motion?

SENATOR BLAISDELL: You would be supporting my motion, Senator Johnson, to indefinitely postpone HB 259.



SENATOR CHARBONNEAU: Senator Chandler, would you believe that more people going to the grocery store and would pick up wine coolers, at the last moment type of thing, than they would going into the liquor store?

SENATOR CHANDLER: Well, I think they would do it. They're in the grocery store buying bananas. They wanted some wine coolers, they'd pick it up. The liquor store doesn't sell bananas.

SENATOR CHARBONNEAU: So, wouldn't that lower our revenue?

SENATOR CHANDLER: It would increase our revenue. The mom and pop stores would continue to sell it and if the state liquor store sold it, you would get more revenue.

SENATOR HOUNSELL: I rise in support of the motion before us. I have had several horror stories told me by small store owners in my district. How they have to run around from liquor store to liquor store as they have been assigned to them, to pick up their quantity of product at a certain time and in a certain vehicle, to the convenience of this state. That is the nature of any operation written by the state. You serve the bureaucrats, administrators, state officials who run the program. When you are in business you serve the customers. That simple philosophy extends to what this bill does. If you want to protect the consumer, if you want to protect the small businessman and if you want to promote the atmosphere of having a provider provide a service to a customer, you would vote for this bill to be indefinitely postpone, because it will allow for the business community, apart from the state, to distribute this product. It's as simple as that and for that reason I support the motion before us of indefinitely postponement.

SENATOR WHITE: I rise in support of the pending motion of indefinite postponement of this bill. I think it is important that we allow the grocery stores to keep the coolers where they are. I think that the whole thrust of the matter is that they are coolers. Therefore, we want to keep them cool for those people who want to go in and have them. If we have to bring refrigeration into the liquor stores, that will increase the cost.

Motion Adopted.

HB 295-FN, Relative to the board of tax and land appeals. Ought to Pass. Senator Roberge for the Committee.

Senator Roberge moved to re-refer.

Adopted.

HB 325-FN-A, Relative to the distribution of sweepstakes revenues. Ought to Pass. Senator Roberge for the Committee.

SENATOR ROBERGE: HB 325 makes the distribution of sweepstakes revenues in consistent with the Governor's recommendation.

SENATOR JOHNSON: Senator Roberge, if the sweepstakes revenue is higher than what was anticipated in a given fiscal year, how would this bill affect that?

Recess

Out of Recess

Senator Dupont in the chair.

SENATOR BARTLETT: In my understanding on this bill, if the revenues are in excess of what they are estimated, they will be carried forward and applied to the following years.

SENATOR JOHNSON: Isn't that what we are doing now?

SENATOR BARTLETT: That's right. What this basically does, is put into practice what is actually happening when it is put into law.

Adopted. Ordered to Third Reading.

Recess

Out of Recess

Senator Bartlett in the chair.

HB 363-FN-A, Relative to estimated tax filing requirements under the bank, franchise, and interest and dividends taxes, and creating a division of automated information systems in the department of revenue administration. Ought to Pass. Senator Roberge for the Committee.

SENATOR ROBERGE: This bill does two separate things. It eliminates the requirement that when a taxpayer files his return and declares this to be a tax liability for the next year. The estimate for two years must be equal to the actual tax paid for one year. No new requirement is substituted. Second, it creates a computer tax infor-

mation tracking system for statistics, enforcement and advising to the legislature and the Governor. The committee recommends ought to pass.

Adopted. Ordered to Third Reading.

HB 652-FN, Relative to wine importers, the delivery of wine, and a definition of warehouse. Inexpedient to Legislate. Senator Roberge for the Committee.

Senator Roberge moved to re-refer to committee.

Adopted.

HB 578-FN, Relative to unemployment compensation. Ought to Pass. Senator Bond for the Committee.

SENATOR BOND: HB 578-FN affects several different areas of the unemployment compensation fund included in wages, what lump sums are not charged as annual earnings. It provides for a zero offset on social security benefits and it removes certain requirements concerning consecutive periods of wages. The committee urges you to vote ought to pass.

Adopted. Ordered to Third Reading.

HB 629-FN, Relative to the administration and investments of the New Hampshire retirement system. Ought to Pass with Amendment. Senator Bond for the Committee.

SENATOR BOND: HB 629-FN was a bill that was submitted essentially at the request of the retirement system. It called for a broadening of the options that the investing committee has of funds of the retirement service they requested, that they be able to invest in stock options, financial futures and international investments. The amendment would eliminate the stock options and financial futures, but would allow international investments. There is a new paragraph which provides for legal counsel, so that the board of trustees can engage the services of legal counsel for special investment, federal and tax matters, with the approval of the Attorney General, since the Attorney General's office is not able, in its opinion, to provide them with the services they require. We urge you to vote ought to pass with amendment.

#### AMENDMENT TO HB 629-FN

Amend the bill by replacing section 1 with the following:

1 Additional Investments. Amend RSA 100-A:15, I to read as follows:

1. The members of the board of trustees shall be the trustees of the several funds created hereby and shall have full power to invest, and reinvest such funds, subject to all the terms, conditions, limitations, and restrictions imposed by the laws of the state of New Hampshire upon domestic life insurance companies in the making and disposing of their investments, and further may invest and reinvest such funds in shares of cooperative banks and building and loan associations located in this state or in international investments, provided that international investments shall not exceed 15 percent of the several funds that are invested and reinvested, and may make deposits in savings banks or trust companies or in national banks and subject to like terms, conditions, limitations, and restrictions[;]. Said trustees shall have full power to hold, purchase, sell, assign, transfer, and dispose of any of the securities and investments in which any of the funds created hereby have been invested, as well as the proceeds of such investments[.], provided, however, that the trustees or their designees shall be exempt from the provisions of RSA 411-A:6, III, in making investments. The board of trustees shall, to the greatest extent possible, use the funds of the retirement system to benefit and expand the economic climate within the state of New Hampshire. The use of such funds by the board shall be consistent with sound investment practices. The board of trustees shall have authority to empower an investment committee of their members to make investments and deposits between meetings of the board, and the board shall have further authority to hire investment counsel. The compensation for investment counsel services and the compensation for actuarial services required by the board of trustees in performing the duties required by RSA 100-A:14 shall be a charge upon the funds of the New Hampshire retirement system. The state treasurer shall be the custodian of the several funds of the retirement system, but shall upon order of the board of trustees, a certified copy of which action shall be filed in the office of the state treasurer, transfer the custodial function to a custodian employed by the board.

Amendment Adopted. Referred to Finance under Rule #24.

HB 630-FN, Relative to the reduction in benefits for group I members of the New Hampshire retirement system who retire before age 60. Ought to Pass. Senator Pressly for the Committee.

SENATOR PRESSLY: HB 630 changes the benefits to group I between the ages of 50 and 60, and it is dependent upon the number of

years that they have served. This recommendation comes from the group I membership. In fact, there was testimony that actually they were polled and this was their choice of use of their retirement money. The committee concurred with the request. It is a formula that is patterned after the United States Military. It is a formula pattern that is used in many other instances. It is well tested, and it is appropriate. It is an effort to retain employees and to be fair so that they can retire at an appropriate time, with full knowledge and full benefits. The committee report is ought to pass.

SENATOR JOHNSON: Senator Pressly, did I hear you say that this would encourage the retention of state employees?

SENATOR PRESSLY: Yes, that is the effort.

SENATOR JOHNSON: Isn't it true that this could actually be seen as an incentive for experienced state employees to leave state service?

SENATOR PRESSLY: Upon first look, it could appear to be that way. However, in the practice of this system having worked in other places, that the employee is actually inspired to stay with the system knowing that further time invested will be returned to the employee on a fair and reasonable basis. It was their choice; it is their retirement money; there is ample funds there. It is a tried and true tested formula.

Adopted. Referred to Finance under Rule #24.

HB 296-FN, Establishing a department of securities and making an appropriation therefor. Ought to Pass with Amendment. Senator Delahunty for the Committee.

(Tape inaudible)

#### AMENDMENT TO HB 296-FN-A

Amend the title of the bill by replacing it with the following:

An Act

relative to securities filings and examinations  
and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:



1 New Paragraphs; Director of Securities Filings; Director of Securities Examinations. Amend RSA 400-A:6 by inserting after paragraph V the following new paragraphs:

VI. There shall be a director of securities filings who shall be appointed by the commissioner of insurance. He shall serve at the pleasure of the commissioner. The director of securities filings shall perform such duties and exercise such powers of the commissioner pursuant to RSA Title XXXVIII as the commissioner from time to time may authorize.

VII. There shall be a director of securities examinations who shall be appointed by the commissioner of insurance. He shall serve at the pleasure of the commissioner. The director of securities examinations shall perform such duties and exercise such powers of the commissioner pursuant to RSA Title XXXVIII as the commissioner from time to time may authorize.

2 New Section; Investigatory Fund. Amend RSA 400-A by inserting after section 10 the following new section:

400-A:10-a Investigatory Fund; Appropriation. There is established an investigatory fund. There is hereby appropriated on July 1 of each year \$100,000 to the insurance department - securities, for the purposes of the investigatory fund. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated. The commissioner may utilize the investigatory fund to employ additional personnel to assist in specific investigations, pursuant to RSA 400-A:10, II. Any portion of the investigatory fund which is not utilized by the commissioner pursuant to RSA 400-A:10, II at the close of each fiscal year shall revert to the general fund.

3 Examinations. Amend RSA 421-B:9, VII to read as follows:

VII. The broker-dealer or other person examined pursuant to this section shall bear the expense of the examination. Such expense shall be limited to a reasonable per diem allowance for compensation and expenses as determined by the commissioner. [Provided, however, that if upon examination of any person specified in subparagraph II(a) of this section the commissioner shall determine that such person is not in violation of the provisions of this chapter or applicable rules, the expense of the examination shall be borne by the department.]

4 Fees. Amend RSA 421-B:31, I(g) to read as follows:

(g) Registration fee for securities offered in this state [one-tenth] two-tenths of one percent of the offering value of the issue provided said fee shall not be more than \$1,050.

5 Salaries. Amend RSA 94:1-a, I, by inserting the following:

I In Group O, assistant to the commissioner for securities, insurance department.

II. In Group N, director of securities filings, insurance department; and director of securities examinations, insurance department.

6 Program Administrative Unit Created. There is hereby created within the insurance department a new program administrative unit insurance department - securities.

7 Appropriation. The sum of \$535,253 is hereby appropriated to the insurance department - securities for each of the fiscal years ending June 30, 1988, and June 30, 1989, for the purposes of this act. This appropriation is in addition to the \$100,000 appropriated annually for the investigatory fund established under RSA 400-A:10-a as provided in that section. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

8 Effective Date. This act shall take effect July 1, 1987.

Amendment Adopted. Referred to Finance under Rule #24.

HB 693-FN, Relative to determining membership in the New Hampshire retirement system. Ought to Pass with Amendment. Senator Delahunt for the Committee.

SENATOR DELAHUNTY: This bill is basically an annual legislation. It allows the board of trustees, by a 2/3rds vote of the people in the police area to become members of the group II retirement system. It will also include members at the county level (tape inaudible)

#### AMENDMENT TO HB 693-FN

Amend the bill by replacing section 4 with the following:

4 New Paragraphs; Job Requirement and Correctional Line Personnel Defined.

Amend RSA 100-A:1 by inserting after paragraph VIII-a the following new paragraphs:

VIII-b. "Correctional line personnel" shall mean any employees of a correctional department or facility administered by the state or by any of its political subdivisions who work within a correctional facility in close and immediate contact with prisoners on a daily basis and who meet minimum standards for physical condition, education, and training and are certified as correctional line personnel.

VIII-c. "Job requirement" shall mean a requirement that must be met as a condition for employment in a particular job, either from the date of hire or within a specified time interval not to exceed 2 years after the date of hire.

Amend the bill by deleting section 3 and renumbering sections 4-10 to read as 3,4,5,6,7,8, and 9, respectively.

Amendment Adopted. Ordered to Third Reading.

HB 696-FN, Relative to interest payment calculations under the New Hampshire retirement system and making an appropriation therefor. Ought to Pass. Senator Delahunty for the Committee.

(tape inaudible)

Adopted. Referred to Finance under Rule #24.

HB 264, Relative to the composition of the court accreditation commission. Ought to Pass with Amendment. Senator Nelson for the Committee.

SENATOR NELSON: This bill does exactly what the title states. The bill was amended to allow a designee of the Supreme Court to serve on the Court Accreditation Commission, in lieu of a Justice of the Supreme Court. This bill also increases the membership of the Court Accreditation Commission from five to nine members by providing that a justice of a probate court, a justice of the district court, a second legislative member and a second layman shall serve on the commission. This bill removes the requirement that commissioners must retire at the age of 70.

#### AMENDMENT TO HB 264

Amend the bill by replacing section 1 with the following:

1 Court Accreditation Commission; Membership. RSA 490:5-a is repealed and reenacted to read as follows:

490:5-a New Hampshire Court Accreditation Commission. There is hereby established the New Hampshire court accreditation commission to be appointed by the supreme court, and to consist of 9 members, one of whom shall be designated by the supreme court as chairman. Two members shall be laymen, one shall be a member of the house of representatives appointed by the speaker of the house, one shall be a member of the senate appointed by the senate president, one shall be a lawyer of experience in the trial of cases at all court levels, one shall be a justice of the superior court, one shall be a justice of the supreme court or a designee of the supreme court, one shall be a justice of a probate court, and one shall be a justice of a district court.

Amendment Adopted. Ordered to Third Reading.

HB 289, Relative to criminal records and making an appropriation therefor. Split Vote: Majority Ought to Pass/Minority Inexpedient to Legislate. Senator Podles for the Committee.

Senator Podles moved to lay the bill on the Table.

Adopted.

HB 650-FN, Directing the supreme court to establish a guardian ad litem compensation fund. Ought to Pass with Amendment. Senator Podles for the Committee.

SENATOR PODLES: HB 650 directs a establishment of a special central fund on to the Supreme Court to compensate guardian ad litem cases where the parents are indigent. It's used only for the child in a contested divorce. The bill also provides that a certain percentage of court fees paid in marital cases should go into the fund. The amendment allows justices who retires and agrees and is under the age of 70, to be designated a senior justice and have the authority of a sitting justice, until he reaches the age of 70 years and his only compensation will be travel expense. The committee recommends ought to pass with amendment.

#### AMENDMENT TO HB 650-FN

Amend the title of the bill by replacing it with the following:

## An Act

directing the supreme court to establish a guardian  
ad litem compensation fund and relative to  
retired superior court justices.

Amend the bill by replacing all after section 1 with the following:

2 Senior Justices; Retired Superior Court Justices. Amend RSA 491:2 by inserting after paragraph VI the following new paragraph:

VII. Any justice who retires pursuant to paragraph II who is under the age of 70 years and who agrees to provide additional service to the court shall be designated a senior justice and have the authority of a sitting justice, until he attains the age of 70 years. A senior justice shall not receive compensation for such service, except for travel expenses. Assignment of senior justices shall be made at the discretion of the chief justice of the superior court.

3 Effective Date. This act shall take effect January 1, 1988.

Amendment Adopted. Ordered to Third Reading.

HB 355-FN-A, Relative to the assumption of local probation functions by the state and making an appropriation therefor. Ought to Pass with Amendment. Senator Podles for the Committee.

SENATOR PODLES: HB 355-FN, as amended, is a comprehensive plan designed to deal with the juvenile placement issue. It actually rolls four bills into one package. It was reported by the Judiciary Committee 4 to 0 as ought to pass.

HB 355 as passed by the House, appears as the first portion of the bill. The bill abolishes the position of municipal probation offices and provides that the commission of corrections shall assign permanent adult probation officers to the district courts. The bill, in part, authorizes the hiring of juvenile service officers within the division of children and youth services. These juvenile service offices will be assigned to the district court and will be responsible for providing any needed services to juveniles. This portion of the bill also establishes juvenile intake officers for each district court. The juvenile intake officers will act as clerks and officers of the district courts, but only in regard to the juveniles. The second portion of the bill, which is HB 318, in many instances, is the same as the version



passed by the House. It sets up an absolute cap for school districts, special education, liability for juveniles who have been placed by the courts. The cap is three times the state's average cost per pupil. Above the three times state average cap, the state, not the locals, will pay and there is no similar cap in the law now. This cap will provide protection for the local school districts. The third portion of the bill deals with HB 349. The most important part, is the connection between the state's obligation to pay for placements and the certification process established in the House version of HB 349. This is a very necessary cost containment mechanism, which will require all of the service providers to come to the state to get certified and meet standards on quality of service and need for specific service. The final portion is HB 293, and that addresses the foster care issue. The bill will need to be referred to Senate Finance, because it only adds a dollar and it also adds a review committee. HB 355, as amended, is a vital piece of legislation and all of the components are necessary parts of the whole. It represents hours of work in consultation with the Senate President's office, the Speaker of the House, the Governor, the Attorney General's office and numerous Senators and Representatives. I want to tell you that we worked late into the evening on this bill last night. We also worked early this morning and this is the result. I urge you to support this bill.

SENATOR JOHNSON: Senator Podles, I appreciate the effort that has been put into this, but my concern is the provision that you referred to that is going to cause school districts, throughout the state, to pay three times the elementary school state average. How would you explain that to my school districts who are now going to incur substantial liability that they do not now have?

SENATOR PODLES: I am not sure how I can explain that to you. It was amended in the Senate. It came out differently in the House. It still has to go to a committee of conference and perhaps something can be done there. This is the best that we could do at the time.

SENATOR JOHNSON: Would you believe that we heard that argument on another bill earlier today?

SENATOR PODLES: I believe that.

SENATOR KRASKER: I rise in support of the bill as amended. In reference to your question of Senator Podles, I did speak this morning, with the superintendent of schools in my district and with my city manager. They have examined the bill and they feel with the

additional funding that is going to be provided in the budget, they are still going to come out ahead. I think that probably is generally true throughout the state.

SENATOR DISNARD: I am speaking for myself and not as the chairman of Education. From past experience, in my previous occupation, I would welcome, if I was there, a cap on the amount of money that the school district would have to pay with a court ordered placements, because the school districts then would know they would not be obligated for any additional monies in the event that the state did not appropriate. This is a perfect cap for them. I understand, from individual superintendents, that they favor, the ones I talked with, this particular cap. You must understand, under the court ordered placements in the past, the judge could assign a youngster anywhere and the school district was responsible for that cost. Conversely, the judge could say no cost, if any judges are applying large amounts of cost. I think we have to recognize the fact that when a judge, in some instances a probation officer helps him, a placement has to be found. If a placement is not there, they will find a first available placement and they do not look at the cost. I think the school districts and school boards, recognizing the amount of money that is being looked at by catastrophic aid, building aids and other aids, would welcome this and be happy with it.

SENATOR WHITE: I rise in support of the committee report of ought to pass as amended. I would hope that when it gets down to Finance, that they will, indeed, put the money in for foster care. Along with other members of the Senate, I was a sponsor on that bill and I think that is one of the critical components of the bill to decrease the cost on our court ordered placements. I think that those are the ways that are money is spent best and I do hope that the money does get in at a level greater than one dollar.

SENATOR NELSON: Senator Disnard, if in fact this money, to which you refer, does not get in the budget, would this bill be as good as it is now, as good as the appropriate word?

SENATOR DISNARD: My understanding, page 15 section 8, any cost for special education or special education and education related cost in excess of three times the state average find, shall be the liability of the department of education. All I am saying is, is that I am looking at this as the perfect cap.

SENATOR NELSON: Looking at the total package of education, if I heard you correctly, what you said was, given what is going to come out of the funding of catastrophic and some of the other programs, you felt, with the money in the budget, then this bill with a cap would be palatable to the districts. What I am asking you is, if the money does not appear in the budget in each of those programs, do you think there would be an adverse effect on the communities with this bill?

SENATOR DISNARD: No, because never have I known the State to say to the school district, you pay this amount and you are not responsible for anything else, I have never heard that before, so I think this is a perfect answer.

#### AMENDMENT TO HB 355-FN-A

Amend the title of the bill by replacing it with the following:

##### An Act

relative to the assumption of local probation functions by the state and making an appropriation therefor; determining financial liability for certain educationally handicapped children under the supervision of the division for children and youth services and making an appropriation therefor; relative to special education and certified programs for children and youth in out-of-home placements; and relative to foster family homes and making an appropriation therefor and establishing a committee on foster families.

Amend the bill by replacing all after the enacting clause with the following:

1 Adult Probation Officers. Amend RSA 504-A:11 to read as follows:

504-A:11 Adult Probation Officers; Assignment and Removal. Probation and parole officers fully funded by the state shall be assigned or reassigned to geographical regions within the state in consonance with the duties to be accomplished. They may be assigned any duties determined appropriate by the commissioner. The commissioner shall assign probation and parole officers to each judicial district, as

defined in RSA 502-A, consistent with the workload formula established by administrative rule pursuant to RSA 541-A and available funding.

2 New Sections; Juvenile Intake Officers; Assignment; Powers and Duties. Amend RSA 502-A by inserting after section 8 the following new sections:

502-A:8-a Juvenile Intake Officers; Assignment. Each district court shall be served by a juvenile intake officer appointed by the justice of the district court served who shall hold office during the pleasure of the justice in accordance with personnel procedures established by the supreme court. The assignment of officers to individual courts shall be the responsibility of the administrative office of the courts.

502-A:8-b Duties of Juvenile Intake Officers. The juvenile intake officer shall schedule and attend juvenile proceedings, maintain juvenile court records, collect fines, monitor temporary and final orders to insure compliance, and perform such other tasks as the court may require.

3 Definitions; Juvenile Service Officer. Amend RSA 170-G:1 by inserting after paragraph V the following new paragraph:

VI. "Juvenile service officer" means those persons responsible for investigating and supervising juveniles referred to the division pursuant to RSA 169-B and RSA 169-D.

4 Hiring of Juvenile Service Officers. Amend RSA 170-G:3, III to read as follows:

III. The director shall hire such other employees necessary to perform the work of the division in accordance with rules adopted by the director of personnel. The number of juvenile service officers hired shall be consistent with the workload formula established by administrative rule pursuant to RSA 541-A and available funding.

5 Clarification of Juvenile Services Role. Amend RSA 170-G:4, II to read as follows:

II. Provide, through social workers, services for all children and youth referred to it by the probate and district courts pursuant to RSA [169-B;] 169-C; [169-D;] 170-B; 170-C; and 463 and for all children and youth who are at risk of placement with the division in connection with child abuse or neglect.

II-a. Provide, through juvenile services officers, services for all children and youth referred to it by the district courts pursuant to

RSA 169-B, and 169-D and for all children who are at risk of placement with the division in connection with the child's need for services or juvenile delinquency.

6 New Subdivision; Juvenile Service Unit; Juvenile Service Officers. Amend RSA 170-G by inserting after section 13 the following new subdivision:

### Juvenile Services

170-G:14 Purpose of Juvenile Services. Establishment of field services under the administration of the division for children and youth services for children in need of services and juvenile delinquents will support the state's continuing efforts to consolidate in one agency the field services provided to children and youth.

170-G:15 Assignment of Juvenile Services Officers. The director shall, through rules adopted pursuant to RSA 541-A, assign permanent juvenile services officers to each judicial district consistent with the workload formula established by the division in consultation with the New Hampshire Judges Association.

170-G:16 Juvenile Services Officers; Powers and Duties. Juvenile services officers under the administration of the division for children and youth services shall have the power and duty:

I. To serve as officers of the court and investigate at the request of any justice of the district courts which they serve, any case, matter, or questions, and to report the results of such investigation with recommendations to the authority which ordered the investigation.

II. To take charge of and provide supervision of juveniles attempting to assist them in establishing law abiding lives while monitoring their behavior through school, home, work, office, and other contacts to insure that they comply with court orders.

III. To report promptly to the appropriate district court violations of court orders and conditions which are required by statute, the district court, or which, in the opinion of the officer, are serious enough to warrant consideration. Such reports shall include recommendations as to actions which the officer believes to be appropriate.

IV. To arrest and take into custody any minor who is found violating any law, or who is reasonably believed to be a fugitive from justice, or whose circumstances are such as to endanger his person or welfare, unless immediate action is taken.



V. To participate in community service activities, diversion programs and other duties as may be assigned by the director, division for children and youth services or his designated representative.

7 Delinquent Children; Replacement of Probation With Conditional Release. Amend RSA 169-B:2, V to read as follows:

V. ["Probation"] "Conditional release" means a legal status created by court order following an adjudication that a child is delinquent [whereby the minor is] and shall be permitted to remain in the community, including his home, subject to:

(a) The conditions and limitations of his conduct prescribed by the court;

(b) Such counselling and treatment as deemed necessary, pursuant to methods and conditions prescribed by the court, for the minor and his family;

(c) The supervision of a [probation officer or volunteer counselor] juvenile services officer, as authorized by RSA [504:19] 170-G:16; and

(d) Return to the court for violation of [probation] conditions of the release and change of disposition at any time during the [period of probation] term of conditional release.

8 Name Change; Probation to Conditional Release. Amend the following RSA paragraphs by replacing "probation" with "conditional release": RSA 169-B:5, III; 169-D:4, III.

9 Delinquent Children; Term of Conditional Release. RSA 169-B:19(d) is repealed and reenacted to read as follows:

(d) Place the minor on conditional release for a term no longer than 5 years;

10 Children In Need of Services; "Conditional Release" to Replace "Probation." RSA 169-D:2, VI is repealed and reenacted to read as follows:

VI. "Conditional release" means a legal status created by a court order following an adjudication that a child is a child in need of services and shall be permitted to remain in the community, including his home, subject to:

(a) The conditions and limitations of his conduct prescribed by the court.

(b) Such counselling and treatment as are deemed necessary, pursuant to methods and counselling prescribed by the court for the minor and his family.

(c) The supervision of juvenile service officers as authorized by RSA 170-G:16.

(d) Return to the court for violation of the conditions of the release and change of the disposition at any time during the term of the conditional release.

11 Children in Need of Services; Term of Conditional Release. RSA 169-D:17, I(a)(2) is repealed and reenacted to read as follows:

(2) Placing the child on conditional release for a term of 2 years or less.

12 Change from "Probation Officer" to "Juvenile Services Officer". Amend the following RSA sections, paragraphs, and subparagraphs by replacing "probation officer" with "juvenile services officer": RSA 169-B:2, V(c); 169-B:9; 169-B:24; 169-B:25; 169-B:30; 169-C:3, XXIV; 169-C:6, I, II, and III; 169-C:34, IV; and 169-D:8, II.

13 Change from "Probation Department" to "Division for Children and Youth Services". Amend the following RSA paragraphs by replacing "probation department" with "division for children and youth services": RSA 169-B:16, III; and 169-D:14, III.

14 Change from "Duly Accredited Probation Officer" to "Juvenile Services Officer". Amend the following RSA sections by replacing "duly accredited probation officers" with "juvenile services officers": RSA 169-B:35; RSA 169-D:25.

15 Interstate Compact on Juveniles; Definitions. RSA 169-A:9 is repealed and reenacted to read as follows:

169-A:9 Juvenile Delinquent. The term "delinquent juvenile" as used in the interstate compact on juveniles shall include a delinquent as defined in RSA 169-B:2, II.

169-A:9-a Conditional Release. An adjudicated juvenile placed on probation or parole as such term is used in the interstate compact on juveniles is on conditional release as defined in RSA 169-B:2, V.

16 Transition. The following provisions are applicable to the transition from municipal probation officers and juvenile probation officers to juvenile services officers.

I. All persons holding the office of municipal probation officer as of the effective date of this section shall be given the opportunity to apply for positions of comparable responsibility as juvenile services officers, juvenile intake officers, and adult probation and parole officers.

II. The director, division for children and youth services shall, pursuant to RSA 541-A, adopt rules to establish the duties and standards for juvenile services officers.

III. The director, division for children and youth services, shall begin recruitment to fill any positions created by sections 1-18 of this act so that all staff shall be employed 30 days prior to the implementation of the remainder of sections 1-18 of this act. Existing personnel recruitment and hiring procedures shall be used for all positions transferred by sections 1-18 of this act. This 30 day period shall be used for training in court procedure and division requirements.

17 Local Probation Employees; Benefits. Notwithstanding any other provision of law, any full-time local probation officer or local probation employee who becomes employed by the state pursuant to sections 1-18 of this act shall, effective January 1, 1988, receive all fringe benefits and salary increases as provided for classified state employees including membership in the state retirement system, Blue Cross and Blue Shield coverage, dental insurance, life insurance coverage, and annual and sick leave benefits. Annual and sick leave benefits accumulated by said employees, as a result of service prior to January 1, 1988, shall be transferable under such guidelines as may be established by the supreme court for court employees and by the division of personnel for executive branch employees.

#### 18 Retirement of Local Probation Employees.

I. Notwithstanding any other provision of law, all full-time local probation officers or local probation employees who become employed by the state pursuant to sections 1-18 of this act shall, effective January 1, 1988, be eligible for membership in the New Hampshire retirement system. Employees who elect to become members of the New Hampshire retirement system shall not be eligible for membership in the local retirement system, except that nothing herein shall prevent an employee from retaining a vested interest in a local retirement system. The 6-month probationary period normally in effect shall be waived for all full-time employees who are employed by local probation departments on December 31, 1987. All personnel hired after January 1, 1988, shall become members of the New Hampshire retirement system following the normally required probationary period.

II. Any such employee who is currently a member of a retirement system other than the New Hampshire retirement system may elect in writing to remain in the local retirement system by notifying the employer and the local governing body on or before December 1, 1987. Employees so electing shall be considered employees of the

local governing body for the purpose of inclusion in the local retirement system only. The state, after such election, shall pay into the local retirement system monthly all sums which would otherwise become payable by the local governing body into the local retirement system as its contributory share toward the retirement of said employee; provided, however, that the contributory share shall not exceed the average percentage of the local governing body's annual contributions for all employees for the 3 years preceding January 1, 1988. The state shall withhold from the salary of any such employee the employee's contributory share into the local retirement system and shall pay monthly the amount so withheld to the local governing body for deposit in the local retirement system on behalf of such employee. Employees electing to continue as members of local retirement systems shall not be eligible for membership in the New Hampshire retirement system.

III. Notwithstanding any other provision of law to the contrary, all full-time employees who elect to become members of the New Hampshire retirement system may purchase prior service credits for those years during which they were employed as full-time employees. Prior service credit in the New Hampshire retirement system equal to the membership service in a local retirement system may be purchased upon certification that the member is not eligible for benefits from the local retirement system.

19 Appropriation. The following sums are hereby appropriated for fiscal year 1988 and fiscal year 1989 to the supreme court, the department of corrections, and the division for children and youth services, department of health and human services, for the purpose of carrying out sections 1-18 of this act:

	<i>Fiscal Year 1988</i>	<i>Fiscal Year 1989</i>
Department of corrections	\$ 97,718	\$ 185,621
Division for children and youth services	953,725	1,328,543
Supreme court	113,100	216,760
Total	\$1,164,543	\$1,730,924

These sums shall be in addition to any other appropriations made for the supreme court, the department of corrections, and the division for children and youth services. The governor is hereby authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

20 Repeal. RSA 504-A:10, relative to municipal probation officers, is repealed.

21 Liability for Delinquent Children. Amend RSA 169-B:22 to read as follows:

169-B:22 Disposition of Educationally Handicapped Minor. At any point during the proceedings, the court [may], either on its own motion or that of any other person, [and if the court contemplates a residential placement, the court shall immediately,] may join the legally liable school district for the limited purposes of directing the school district to determine whether the minor is educationally handicapped as defined in RSA 186-C or, if the minor has already been determined to be educationally handicapped, of directing the school district to review the services offered or provided under RSA 186-C [if the minor has already been determined to be educationally handicapped]. Once joined as a party, the legally liable school district shall have full access to all records maintained by the district court under this chapter. If the school district finds or has found that the minor is educationally handicapped, or if it is found that the minor is educationally handicapped on appeal from the school district's decision in accordance with the due process procedures of RSA 186-C, the school district shall offer an appropriate educational program and placement in accordance with RSA 186-C. Financial liability for such education program shall be as determined in RSA 186-C:19-b.

22 Liability for Abused or Neglected Children. Amend RSA 169-C:20 to read as follows:

169-C:20 Disposition of Educationally Handicapped Child. At any point during the proceedings, the court [may], either on its own motion or that of any other person, [and if the court contemplates a residential placement, the court shall immediately,] join the legally liable school district for the limited purposes of directing the school district to determine whether the [minor] child is educationally handicapped as defined in RSA 186-C or, if the child has already been determined to be educationally handicapped, of directing the school district to review the services offered or provided under RSA 186-C [if the minor had already been determined to be educationally handicapped]. Once joined as a party, the legally liable school district shall have full access to all records maintained by the district court under this chapter. If the school district finds or has found that the [minor] child is educationally handicapped, or if it is found that



the [minor] child is educationally handicapped on appeal from the school district's decision in accordance with the due process procedures of RSA 186-C, the school district shall offer an appropriate educational program and placement in accordance with RSA 186-C. Financial liability for such education program shall be as determined in RSA 186-C:19-b.

23 Liability for Children in Need of Supervision. Amend RSA 169-D:18 to read as follows;

169-D:18 Disposition of Educationally Handicapped Child. At any point during the proceedings, the court [may], either on its own motion or that of any other person, [and if the court contemplates a residential placement, the court shall immediately,] may join the legally liable school district for the limited purposes of directing the school district to determine whether the [minor] child is educationally handicapped as defined in RSA 186-C or, if the child has already been determined to be educationally handicapped, of directing the school district to review the services offered or provided under RSA 186-C [if the minor has already been determined to be educationally handicapped]. Once joined as a party, the legally liable school district shall have full access to all records maintained by the district court under this chapter. If the school district finds or has found that the [minor] child is educationally handicapped, or if it is found that the [minor] child is educationally handicapped on appeal from the school district's decision in accordance with the due process procedures of RSA 186-C, the school district shall offer an appropriate educational program and placement in accordance with RSA 186-C. Financial liability for such educational program shall be as determined in RSA 186-C:19-b.

24 Educationally Handicapped Children at the Philbrook Center. Amend RSA 186-C:19-a to read as follows:

186-C:19-a Educationally Handicapped Children at the Youth Development Center, [and] the State Prison, and the Philbrook Center.

I. For an educationally handicapped child at the youth development center or the state prison, or who is placed at the Philbrook center while awaiting disposition of the court following arraignment pursuant to RSA 169-B:13, the school district [responsibility] responsible for the development of an individualized education plan shall be as follows:

(a) If such child is in the legal custody of the parent, the school district in which the child's parent resides shall be responsible.

(b) If such child is not in the legal custody of the parent or if the parent resides outside the state, the school district in which the child most recently resided other than in a state institution, home for children or health care facility as defined in RSA 193:27 shall be responsible.

(c) For the purposes of this section a parent shall not have legal custody if legal custody has been awarded to some other person or agency, even if that parent retains residual parental rights. An award of legal custody by a court of competent jurisdiction, in this state or in any other state, shall determine legal custody under this section.

II. The school district liability for educational expenses for an educationally handicapped child in the youth development center or the state prison, or who is placed in the Philbrook center while awaiting disposition of the court following arraignment pursuant to RSA 169-B:13, shall not exceed the state average elementary cost per pupil, as determined by the state board of education for the preceding school year.

25 Liability; Court Ordered Placements. RSA 186-C:19-b is repealed and reenacted to read as follows:

186-C:19-b Liability for Educationally Handicapped Children in Certain Court Ordered Placements.

I. For an educationally handicapped child in placement for which the division for children and youth services has financial responsibility the school district responsible for the development of an individualized education plan and for educational expenses under this section shall be as provided in RSA 186-C:7 and 13 and RSA 193:27-29. As used in this section "children in placement for which the division for children and youth services has financial responsibility" means all children placed out of their homes as a result of a juvenile petition filed under RSA 169-B:6, RSA 169-C:7 or RSA 169-D:5, except children at the youth development center and children placed at the Philbrook center while awaiting disposition of the court following arraignment pursuant to RSA 169-B:13.

II. The school district liability for expenses for special education or for special education and educationally related services as specified in the current individualized education plan for an educationally handicapped child in placement for which the division for children and youth services has financial responsibility shall be limited to 3 times the state average cost per pupil, as determined by the state board of education for the preceding school year. The liability of a

school district under this section shall be prorated if the placement is for less than a full school year and the district shall be liable for only the prorated amount.

(a) Any costs of special education or special education and educationally related services in excess of 3 times the state average cost per pupil shall be the liability of the department of education. Costs for which the department of education is liable under this section shall be paid to education service providers by the department of education. The department of education shall develop a mechanism for allocating the funds appropriated for the purposes of this section.

(b) The division for children and youth services shall be liable for all court-ordered costs pursuant to RSA 169-B:40, 169-C:27, and 169-D:29 other than for special education or special education and educationally related services, and other educational programs for which the appropriate school district is liable.

III. The department of education shall by rules adopted under RSA 541-A establish the rates charged by education service providers to the department of education or to school districts for educationally handicapped children in placement for which the division for children and youth services has financial responsibility.

IV. The department of education is authorized to receive and take appropriate action on complaints regarding the failure to provide necessary special education or special education and educationally related services to educationally handicapped children in placement for which the division for children and youth services has financial responsibility.

26 Appropriation. The sum of \$1,492,480 for the biennium ending June 30, 1989, is hereby appropriated to the department of education for the purposes of funding special education and educationally related services beyond the school district's liability as provided in sections 21-25 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

## 27 Statement of Purpose.

I. The legislature recognizes the need for the state to certify all providers of services, placements and programs for children who are delinquent, abused or neglected, or in need of services. The aims of such certification should be to avoid unnecessary duplication of efforts, to prevent unreasonable cost increases, and to allow for efficient use of available resources.

II. To achieve these aims, the state must have clear standards and procedures to assure quality and to assess need for these services, placements, and programs.

28 Committee to Study Issues. There is hereby established a joint committee on children's placements. This committee shall, during the interim of 1987, study all aspects of services provided to children through the division for children and youth services, and shall propose in the 1988 session any legislation to address these issues, as the committee deems advisable. The joint committee shall consist of 10 members of the general court, 5 of which shall be members of the house of representatives, appointed by the speaker; and 5 of which shall be members of the senate, appointed by the president.

29 Expenses; Certification. Amend RSA 169-B:40, I to read as follows:

I.(a) Whenever an order creating liability for expenses is issued by the court under this chapter, any expenses incurred for services, placements and programs the providers of which are certified pursuant to RSA 170-G:4, XVIII, shall be payable by the division of children and youth services, department of health and human services.

(b) Subparagraph (a) shall not apply to expenses incurred for special education and educationally related services, and other educational expenses for which the appropriate school district is liable.

(c) The state shall have a right of action over for such expenses against the parents or the people chargeable by law for the minor's support and necessities. The court shall require the individual chargeable by law for the minor's support and necessities to submit a financial statement to the court upon which the court may make an order as to reimbursement to the state as may be reasonable and just, based on the person's ability to pay.

30 New Paragraph; Clarification of Liability Proceedings for Juvenile Delinquents. Amend RSA 169-B:40 by inserting after paragraph IV the following new paragraph:

V. The county which is responsible for reimbursing the state under paragraph IV is authorized to collect, on behalf of the division, payments from persons or entities which are ordered to reimburse the division under paragraph I, or which are chargeable by law for the minor's support and necessities. Any amounts collected by the county pursuant to this paragraph shall be forwarded to the division, which, in turn, shall apply 25 percent of the amounts collected to reduce the county's liability under paragraph IV.



31 Expenses; Certification. Amend RSA 169-C:27, I to read as follows:

I.(a) Whenever an order creating liability for expenses is issued by the court under this chapter, any expenses incurred for services, placements and programs the providers of which are certified pursuant to RSA 170-G:4, XVIII, shall be payable by the division of children and youth services, department of health and human services.

(b) Subparagraph (a) shall not apply to expenses incurred for special education and educationally related services, and other educational programs for which the appropriate school district is liable.

(c) The state shall have a right of action over for such expenses against the parents or the person chargeable by law for the child's support and necessities. The court shall require the individual chargeable by law for the child's support and necessities to submit a financial statement to the court upon which the court may make an order as to reimbursement to the state as may be reasonable and just, based on the person's ability to pay.

32 New Paragraph; Clarification of Liability Proceedings for Abused or Neglected Children. Amend RSA 169-C:27 by inserting after paragraph IV the following new paragraph:

V. The county which is responsible for reimbursing the state under paragraph IV is authorized to collect, on behalf of the division, payments from persons or entities which are ordered to reimburse the division under paragraph I, or which are chargeable by law for the minor's support and necessities. Any amounts collected by the county pursuant to this paragraph shall be forwarded to the division, which, in turn, shall apply 25 percent of the amounts collected to reduce the county's liability under paragraph IV.

33 Expenses; Certification. Amend RSA 169-D:29, I to read as follows:

I.(a) Whenever an order creating liability for expenses is issued by the court under this chapter, any expenses incurred for services, placements and programs the providers of which are certified pursuant to RSA 170-G:4, XVIII, shall be payable by the division of children and youth services, department of health and human services.

(b) Subparagraph (a) shall not apply to expenses incurred for special education and educationally related services, and other educational programs for which the appropriate school district is liable.

(c) The state shall have a right of action over for such expenses against the parents or the person chargeable by law for the child's support and necessities. The court shall require the individual chargeable by law for the child's support and necessities to submit a



financial statement to the court upon which the court may make an order as to reimbursement to the state as may be reasonable and just, based on the person's ability to pay.

34 New Paragraph; Clarification of Liability Proceedings for Children in Need of Services. Amend RSA 169-D:29 by inserting after paragraph IV the following new paragraph:

V. The county which is responsible for reimbursing the state under paragraph IV is authorized to collect, on behalf of the division, payments from persons or entities which are ordered to reimburse the division under paragraph I, or which are chargeable by law for the minor's support and necessities. Any amounts collected by the county pursuant to this paragraph shall be forwarded to the division, which, in turn, shall apply 25 percent of the amounts collected to reduce the county's liability under paragraph IV.

35 New Chapter; Court Ordered Placements. Amend RSA by inserting after chapter 169-E the following new chapter:

## CHAPTER 169-F

### COURT ORDERED PLACEMENTS

169-F:1 Purpose and Application of Chapter. This chapter shall apply to any court ordered placement of any minor pursuant to RSA 169-B or any child pursuant to RSA 169-C or RSA 169-D, for the purposes of the effective implementation of any such placement.

169-F:2 Written Findings Required Under Certain Circumstances. In cases in which the court does not follow a case plan or written recommendation from the division for children and youth services, the court shall issue written findings explaining why the case plan or recommendation was not followed.

169-F:3 Notification to the Division for Children and Youth Services. If, at any phase of the proceedings, the court contemplates ordering services or placement for a minor or a child, the court, prior to ordering such services or placement, shall notify the division for children and youth services and shall afford the division an opportunity to be heard on the issue of appropriateness of the services or placement.

169-F:4 Educational Expenses. Children not educationally handicapped as defined in RSA 186-C:2, but who are in a placement for which the division for children and youth services has financial re-

sponsibility, the appropriate school district shall be responsible for the educational expenses of such children. This responsibility shall not exceed the state average cost per pupil.

36 New Paragraph; Experiential/Wilderness Facility Defined. Amend RSA 170-E:1 by inserting after paragraph XII the following new paragraph:

XIII. "Experiential/wilderness facility" means a child care institution which regularly provides specialized care and training in daily living for more than 12 children but fewer than 56 children, and meets the standards established by the commissioner by rule under RSA 170-E:9, I(a).

37 Funds for Local Diversion Programs. Amend RSA 170-G:4, XVI to read as follows:

XVI. Encourage cities, towns and counties to develop and maintain court diversion programs and alternative dispositions for juveniles other than placements outside of the home through the use of a formula which shall allow for the transfer of funds to cities, towns and counties which have, or are developing, alternatives for juvenile care. The amount to be distributed for this program shall be not less than 5 percent of the amount appropriated in each fiscal year to the division for children and youth services for placement costs. The method of distribution shall be based upon rules adopted under RSA 541-A by the director. Notwithstanding the other provisions of this paragraph, the total amount of funds distributed pursuant to this paragraph shall not exceed \$600,000 in any fiscal year.

38 Rate Setting. RSA 170-G:4, XVII is repealed and reenacted to read as follows:

XVII. Establish rates for all services, placements and programs which are paid for by the division pursuant to RSA 169-B:40, 169-C:27, 169-D:29, and any services required to be provided by the division pursuant to paragraph II of this section. When educational aspects are present in any service, placement or program subject to rate-setting by the division, rates for the educational component shall be addressed jointly by the division and the department of education.

39 New Paragraph; Certification. Amend RSA 170-G:4 by inserting after paragraph XVII the following new paragraph:

XVIII. Certify all providers of services, placements and programs which are paid for by the division pursuant to RSA 169-B:40, 169-C:27, 169-D:29, and any services required to be provided by the divi-

sion pursuant to paragraph II of this section. Each certification issued for this purpose shall have 2 components: one based upon standards of quality and performance, and one based upon the need the state may have for such service, placement or program. When educational aspects are present in any service, placement or program subject to certification by the division, certification for the educational component shall be addressed jointly by the division and the department of education. The commissioner of the department of health and human services shall develop by rule an appeal process for providers of services, placements, and programs who have sought and been refused certification under this paragraph.

40 Estimated Federal Funds. The provisions of RSA 124:14 relative to estimated federal funds, shall not apply to the bureau of children, PAU 05-02-03-02 for the fiscal year ending June 30, 1987, for the sole purpose of satisfying a deficit estimated to be approximately \$300,000 due to the cap on federal block grant funds.

41 Operating Budget Clarification. The appropriation in 1985, 406:1.05,02,03,05,08 includes a maximum of \$650,000 in fiscal year 1986 and \$675,000 in fiscal year 1987 for expenses related to the female residential facility to be built on a portion of the parcel of state-owned land in Manchester upon which the youth development center is situated. Said appropriation may be expended for appropriate juvenile placements and shall not lapse until such time as the facility is available for occupancy.

42 New Subparagraph; Rulemaking. Amend RSA 170-E:9 by inserting after subparagraph I(e) the following new subparagraph:

(f) Compensation to foster family homes for the costs of caring for each child in their custody.

43 Appropriation. The sums of \$1 in general funds, \$1 in county funds, and \$1 in federal funds are hereby appropriated for the fiscal year ending June 30, 1988, and like sums for the fiscal year ending June 30, 1989, to the division for children and youth services for the purpose of increasing the compensation for foster family homes during the biennium. This amount appropriated is in addition to the amount allotted to the division for such payments during the annual budget process. The governor is authorized to draw his warrant for said sums out of the appropriate funds.

44 New Subdivision; Committee on Foster Families. Amend RSA 170-E by inserting after section 22 the following new subdivision:

## Committee on Foster Families

170-E:23 Establishment. There is hereby established a committee on foster families.

170-E:24 Membership; Organization. The committee on foster families shall consist of the following:

I. Two members of the children, youth and elderly affairs committee of the house of representatives, appointed by the chairman of that committee.

II. Two members of the appropriations committee of the house of representatives appointed by the chairman of that committee.

III. Two members of the senate, appointed by the senate president.

IV. The director of the division for children and youth services, department of health and human services, who shall serve as chairman of the committee.

## 170-E:25 Duties.

I. The committee shall review annually the sufficiency of foster family allowances, and make recommendations concerning any changes in such allowance.

II. The committee shall also review annually the sufficiency of the AFDC shelter allowance, and make recommendations concerning any changes in such allowance.

170-E:26 Report. The committee shall, before February 1 of each year, submit a report containing its recommendations to the chairmen of the following committees:

I. The finance committee of the senate.

II. The public institutions, health and human services committee of the senate.

III. The appropriations committee of the house of representatives.

IV. The children, youth and elderly affairs committee of the house of representatives.

## 45 Effective Date.

I. Sections 1-20 of this act shall take effect January 1, 1988.

II. Sections 21-26 and sections 40 and 41 of this act shall take effect upon its passage.

III. Sections 29, 31, and 33 of this act shall take effect July 1, 1988.

IV. Sections 42-44 of this act shall take effect July 1, 1987.

V. The remainder of this act shall take effect 60 days after its passage.

Amendment Adopted. Referred to Finance under Rule #24.

HB 90, Relative to membership on the New Hampshire automated information systems board. Ought to Pass with Amendment. Senator Heath for the Committee.

SENATOR HEATH: This allows the state librarian to appoint members of the board. She has had some problems in the past, in getting people to serve in the board through the process that went on before. She thinks this will be easier to get people to serve on the board. The amendment simply puts definite terms on the members of the board. The bill that came over to us, did not have definite terms and we felt that that opportunity to change, should be built into the legislation like any other terms of office. The amendment simply makes them definite three year terms. I believe they are staggered.

#### AMENDMENT TO HB 90

Amend RSA 201-A:24 as inserted by section 1 of the bill by replacing it with the following:

201-A:24 Automated Information Systems Board; Membership. There is hereby established the New Hampshire automated information systems board. The board shall consist of [the assistant state librarian or an employee of the division of libraries, an additional employee of the division of libraries engaged in technical library services as designated by the commissioner of libraries, arts and historical resources, one representative appointed by the speaker of the house, one senator appointed by the senate president, one academic librarian appointed by the executive board to the academic librarians chapter of the New Hampshire library association, 2 public librarians appointed by the executive board of the New Hampshire library association, one librarian representing special libraries to be appointed by the state librarian, one school librarian appointed by the executive board of the New Hampshire educational media association, one attorney who shall be a member of the New Hampshire bar] the commissioner of libraries, arts, and historical resources, the state librarian, and such additional [persons from state government and the library community as the commissioner of the department of libraries, arts and historical resources shall deem necessary to further the purposes of this subdivision. The 2 employees of the division of libraries shall be ex-officio members of the board. Each appointed member of the board shall serve staggered 3 year



terms. Of the initial appointees, 1/3 shall serve a term of one year, 1/3 shall serve a term of 2 years, and 1/3 shall serve a term of 3 years. If the total number of appointees is not divisible by 3, the initial appointments shall be made so as to ensure staggered 3-year terms. Each member so appointed shall hold office until his successor shall be appointed and qualified] personnel as the state librarian deems advisable. There shall be one representative appointed by the speaker of the house and one senator appointed by the senate president. Each local system shall appoint at least one representative empowered to speak for the local system. The commissioner shall appoint one attorney who shall be a member of the New Hampshire bar and such additional persons from state government and the community as the commissioner shall deem advisable to further the purposes of this subdivision. All appointments made pursuant to this section shall be for renewable 3 year terms. The board shall advise the commissioner on statewide policies, coordinate activities of the local systems, and engage in long-range planning.

Amendment Adopted. Ordered to Third Reading.

Recess

Out of Recess

Senator Preston in the chair.

HB 186, Relative to the appointment and terms of alternates for certain municipal offices. Ought to Pass. Senator Pressly for the Committee.

SENATOR PRESSLY: HB 186 is relative to the appointment in term of alternates for certain municipal offices. This bill provides that the alternates for city or town council members, selectmen or village district commission members shall be appointed by the respective council, board or commission. This was a request that would enable the alternates to be able to be appointed, so that the various commissions would be eligible to get their quorums in order to fill the board requirements. The committee recommendation is ought to pass.

Senator Nelson offered a Floor Amendment.

SENATOR WHITE: There is an amendment before you under the name of Senator Nelson, numbered 2727B, and I would like to speak to that amendment.

The interstate cooperation committee, to which HB 480 was referred, had a full hearing on this bill. It was a bill that was sent to us from the House, which also had a full hearing. It came in such a late hour and it was such a lengthy bill that we felt that, to delve into it and really understand the bill, we re-referred it. We took that action last week. In the meantime Senator Nelson worked with John Disko, from the County Municipal Association. What you have before you is basically HB 480, as it was presented to us, which we addressed last week. Our concern was in regards to the mandates because it is quite a change because it's a very heavy and thick amendment. If you will turn to page 26 of the amendment, under 36, it's a simple little 26 page amendment, where it talks about the purpose and explanation of this particular chapter. Sections 2 to 35 of this act, is to recodify in a comprehensive manner existing county correctional laws, which are presently scattered throughout the revised statutes annotated. This recodification makes no substantial changes in the present laws and requires no additional funding on the state, county or local level. That is really what we were looking at when we looked at the bill and had it re-referred. This recodification deletes and updates certain archaic language and repeals obsolete sections of the law. The municipal and county people came and supported the bill before Interstate Cooperation and they really wanted this bill and didn't want to wait until January. That is why they have worked to get this back before you in a timely fashion, so that we could pass the bill.

SENATOR HEATH: Senator White, is it true that if we pass this, there will be no more jails in New Hampshire?

SENATOR WHITE: Yes, we will no longer have any jails; we will just have correctional facilities.

SENATOR DISNARD: Senator White, in my understanding this entire 26 page plus the amended analysis is only recodification, no existing expenses to the counties and no new laws or anything being inserted?

SENATOR WHITE: Yes and taking out archaic language. That was our concern, that we had received the bill so late and why we had re-referred it originally. We have worked on it in the interim through the flood and fire.

SENATOR DISNARD: You just made a statement that tingled something in the back of my head. You said you only removed archaic language, explain that?

SENATOR WHITE: This was the result of a long interim study committee. By archaic language, I guess jail was one of the archaic words, but if you look through the bill and I must confess that I didn't expect it was coming out today until I got here. For instance on page 10 of the bill, houses of correction have been changed to correctional facilities. We have, as Senator Heath pointed out, taken out county farms, the jails and everything has been put into correctional facilities. I don't know why jail is archaic, but as you may recall, down in Massachusetts, they have petticoat junction or whatever they have down there. We at least call it a correctional institute. The jailer has been removed and in place of the jailer we now have the superintendent of the county department of corrections, which is what they wanted. We have done away with the alms houses and put in hospitals. As you look through the bill, anything in brackets has been deleted and basically that is some of the archaic language that we have done away with.

SENATOR DISNARD: In this stage of the game, I guess I will accept your word. But I have a problem on your page 10, you're changing singular words to plural words, such as "a house of correction" was deleted and "county correctional facilities" has been inserted. I just hope, based on what you people are telling me, this cannot be construed by a sharp attorney to mean that counties are going to have additional costs forced on there?

SENATOR WHITE: Those were my exact concerns when I saw the bill originally, and we had it taken over to the Attorney General's office, to determine if, in fact, we were passing on additional cost. Bruce Mohl has gone over this with John Disko and Don Pfundstein and they assure me that we are not incurring any additional cost. That is why we asked that this last paragraph be put in on page 26, which says, "it requires no additional funding on the state, county or local level." That is our intent, that it does not incur any additional cost.

SENATOR DISNARD: What would be the problem if we refer this for another year, to have everyone feel comfortable?

SENATOR WHITE: I think I will let Senator Nelson answer that question because she has been working very closely with Mr. Disko.

SENATOR NELSON: I just want to tell you what happened here exactly. We heard this bill. It passed the House and came over to Interstate Cooperation, had a public hearing, at that time. At that

time, I had a concern that was also shared with me by the chairman of the committee, Senator White. The problem was, just as Senator Disnard so aptly stated earlier, will this change, in fact, have some cost to the cities and towns. So, I talked with Don Pfundstein. I met with Mr. Disko and the Attorney General. It was looked over very carefully. According to those gentleman, if we had believed in that system, convey to me that there were no cost shift at all in this bill. In order to insure that and in order to make sure that we wouldn't be caught off guard if you will, later on, we asked them to put in the bill, on page 26, a statement of purpose and an explanation.

SENATOR DISNARD: Senator Nelson, on page 13, 104:14; whenever a vacancy happens in the office of sheriff, deputies in office shall continue to execute, and you eliminated the same and installed all the official business previous committed to such sheriff. I understand sheriffs in each county do what they want. Now it has been the precedents of the sheriff in a particular county to accomplish some business in the past, a set precedents, which the other sheriffs do not do, does that mean that the future sheriffs in that county must continue to do these things?

SENATOR NELSON: I don't know the answer to that question, sir. I am not familiar with those sheriffs to which you refer. If anyone in this room, or this body, feels uncomfortable, I would be happy either to, whatever would make them comfortable, lay it on the table, refer it. I just felt that the questions were answered. This was recodification and under recodification some of these laws that were in different places in the book, were shifted into one place. I would be clearly happy to put it back to the committee until your questions are answered, Senator Disnard.

SENATOR HOUNSELL: Senator White, I believe this bill would be a recodification and I have no problem with that. But, I do have a question of you, on page 24. There is a particular reference to transfer procedures, for example. No person shall be transferred pursuant of the provision of RSA 623, unless both the commissioner of corrections and it says in the current law, county sheriff, now we are making that superintendent of county department of corrections. Is that a policy change that I am going to have a little bit of trouble?

SENATOR WHITE: I believe in the first part of the bill, you'll see that some of the county sheriffs have been changed to the Superintendents of County Department of Corrections.

SENATOR HOUNSELL: So, on page 24, as I read Superintendent of County Department Corrections, that is the Sheriff?

SENATOR DISNARD: I'm not of the opinion, Senator Hounsell, that the Superintendent of the County Department of Corrections is the Sheriff. I'm just acquainted with Sullivan County. We have a correctional official there assigned to a separate position. It is not the county judge. I, also, have a problem with this.

#### Floor Amendment to HB 186

Amend the title of the bill by replacing it with the following:

#### An Act

relative to the appointment and terms of alternates  
for certain municipal offices and recodifying  
the county corrections law.

Amend the bill by replacing section 2 with the following:

2 County Departments of Corrections. Amend RSA by inserting after chapter 30-A the following new chapter:

#### CHAPTER 30-B

#### COUNTY DEPARTMENTS OF CORRECTIONS

30-B:1 County Department of Corrections. Each county shall provide, keep, and maintain facilities, administered by a county department of corrections, for the reception and confinement of prisoners committed to or ordered to be detained at a county correctional facility.

30-B:2 Real Estate; Buildings. As provided in RSA 23:3, each county shall have suitable correctional facilities. In accordance with RSA 28:7, when authorized by the county convention, the county commissioners may purchase such real estate as may be required for a county correctional facility; and may repair, enlarge, or erect county buildings housing county correctional facilities; and may sell any of the county's real estate. As provided in RSA 72:23, II, county correctional facilities shall be exempt from taxation except that county farms and their lands, buildings, and taxable personal property shall be taxed.

#### Administration of Department of Corrections

30-B:3 Superintendent; Other Personnel; Appointment.



I. The county commissioners of each county shall appoint a superintendent of the county department of corrections, to supervise and manage the county department of corrections. The commissioners may also appoint such other officers, agents, and employees as may be required to properly care for prisoners committed to or detained at county correctional facilities.

II. No county commissioner shall be superintendent of the county department of corrections.

30-B:4 Superintendent; General Duties and Powers. The superintendent of the county department of corrections, as an agent of the county commissioners, shall be vested with all of the powers and subject to all the duties and limitations provided in this and other chapters relative to the management of county correctional facilities. These shall include, but are not limited to, the following:

I. The superintendent shall report to the board of county commissioners of his county and be answerable to it for the efficient and effective operation of county correctional facilities.

II. The superintendent shall, under the supervision of the county commissioners, have custody of all the inmates confined to those facilities.

III. The superintendent shall, in person or by agent, receive all persons sent by lawful authority to the county department of corrections and retain them until they are released by process appropriate under law.

IV. The superintendent shall monthly present to the presiding or designated justice and the clerk of the superior court in his county a certified list of all pretrial prisoners who are or have been in his custody with the times and causes of their confinements or discharges.

V. The superintendent shall provide each prisoner in his custody with necessary sustenance, clothing, bedding, and shelter.

VI. The superintendent of the county department of corrections shall cause to be kept a correct and itemized account of each employed prisoner's earnings and debits made and incurred on their account, and shall retain the balance of those earnings in escrow until the prisoner is discharged from the county department of corrections, whereupon the superintendent shall cause the prisoner to be paid the amount due and take a receipt.

30-B:5 Removal of Superintendents, Officers, and Employees. The provisions of RSA 28:10-a, relative to the discharge or suspension

from employment of county employees, shall apply to superintendents, officers, and employees appointed by the county commissioners under this chapter.

30-B:6 Policies; Rules and Regulations.

I. The county commissioners shall establish policies and procedures for the management of the county department of corrections as authorized in RSA 28:12.

II. The commissioners shall adopt any necessary rules and regulations for the fulfillment of the powers and duties of the superintendent.

30-B:7 Discipline of Inmates. If any inmate in a county correctional facility is refractory and stubborn, and refuses to work or to perform his work in a proper manner, the superintendent may put him in close confinement until he submits to perform his task and obey the superintendent's orders.

30-B:8 Escapes.

I. If an offender escapes from a county correctional facility the superintendent shall have the power to pursue, retake, and bring him back, and to require all necessary aid for the purpose and, when taken, may place the prisoner in administrative segregation, in accordance with the standards of the facility from which he escaped, until the superintendent has determined that the prisoner is willing to submit to the regulations of the facility.

II. The provisions and penalties of RSA 642:6 and 642:7 on escape and implements for escape and other contraband shall apply to any escapes from the official custody of the superintendent under this chapter.

30-B:9 Delivery of Articles Prohibited. No person shall deliver or procure to be delivered or have in his possession with intent to deliver to a prisoner confined in a county correctional facility, or deposit or conceal in any building or upon any land appurtenant thereto, any article with intent that a prisoner shall receive or obtain it, or receive from a prisoner any article with intent to convey it out of said county correctional facility without the knowledge of the superintendent of the county department of corrections; nor shall any prisoner deliver or procure to be delivered or have in his possession, or deposit or conceal in any building or land appurtenant thereto, or convey out of any county correctional facility, any article without the knowledge of the superintendent of the county department of corrections.

30-B:10 Penalty for Delivery of Articles.

I. A person convicted of violating any of the provisions of RSA 30-B:9 shall be guilty of a misdemeanor, except as provided in paragraph II.

II. A person convicted of violating any of the provisions of RSA 30-B:9, if the article involved is a weapon, article that may be used to escape from the facility, or any article the possession of which is unlawful, shall be guilty of a class B felony; otherwise, the person shall be guilty of a misdemeanor for such a violation.

30-B:11 Use of Force. Law enforcement officers and guards in county correctional facilities may use physical force as provided in RSA 627:5.

30-B:12 Inspection of Corrections Facilities. At least every 6 months the county commissioners shall make a proper examination into the management, condition, and security of the condition of the inmates in county correctional facilities. The commissioners shall, within one month after such inspection, make a written report to the attorney general of their findings and actions or proposed actions on such findings.

30-B:13 Reporting Requirements. The superintendent shall be subject to the following laws relative to bills, accounts, and reporting:

I. RSA 28:15, relative to payment of vouchers.

II. RSA 30:1, relative to annual reports.

III. RSA 30:3, relative to the contents and form of annual reports.

30-B:14 Superintendent's Bills. No salary or claim of any superintendent of the county department of corrections shall be allowed or paid, until an account of all money in any way received by him for the county is rendered to the county commissioners, and a certificate thereof is filed with the county treasurer. A superintendent who neglects to render such an account shall be guilty of a violation.

### Commitment of Offenders

30-B:15 Place of Commitment.

I. Commitments of persons held for trial or for any other cause, or sentenced to imprisonment, may be made to any county department of corrections facility, at the discretion of the court. Reasonable expenses of commitment or imprisonment of persons to another county department of corrections facility shall be paid by the county in which the offense was committed.

II. Any person sentenced to a county correctional facility for a misdemeanor shall be committed to a county correctional facility in the county in which the offense is committed.

III. The expense of lodging persons in a county correctional facility under the protective custody of a peace officer under RSA 172-B:3 shall be a charge upon the county.

30-B:16 Federal Prisoners. The superintendent of the county department of corrections may receive and keep every person duly committed thereto for any offense against the United States paying all expenses for the confinement and safekeeping of such person, at a rate established by the county commissioners of the county where such facility is located.

### Employment of Offenders

30-B:17 Employment of Prisoners. All persons sentenced to imprisonment in a county department of corrections facility shall work under rules and regulations prescribed by the superintendent of the county department of corrections or the county commissioners of the county in which such facility is located.

30-B:18 Prisoners Awaiting Trial. Any prisoner confined to a county correctional facility while awaiting trial in the superior court or for any other cause, who is not likely to flee or commit an act of violence, and who wishes to work, may do so voluntarily upon approval of the county commissioners, subject to rules and regulations of the commissioners and the superintendent of the correctional facility.

30-B:19 Application of Earnings. The wages or salaries from the work of all persons held for trial or for any other cause or sentenced to imprisonment in a county department of corrections facility shall be disbursed by the superintendent for:

I. Restitution or reparation or both, to the victim of his conduct for the damage or injury which was sustained, in a sum and manner determined by the court.

II. The cost of board and all other expenses of the county maintaining the facility with the county of commitment receiving a credit for the cost of board and all other expenses.

III. Payment of a fine.

IV. Incidental expenses of the person so employed.

V. Support of the person's dependents, if any.

VI. The account of the person so employed which shall be payable to such person upon discharge.

30-B:20 Work Release. Any person sentenced to imprisonment in a county department of corrections facility may be released therefrom by the sentencing court at the time of sentence, or at any time during the term of sentence, by either the court or the superintendent of the county department of corrections, with the approval of county commissioners, for such purpose as the court or superintendent may deem conducive to his rehabilitation. Such release shall be for such terms or intervals of time and under such terms and conditions as the court may order the superintendent to impose. Any part of a day spent in the free community under such a release order shall be counted as a full day toward the serving of the sentence unless otherwise provided by the court. If a person violates the terms and conditions laid down for his conduct, custody, or employment, the court or the superintendent may require that the balance of the person's sentence be spent in actual confinement and may cancel any earned reduction of his term. If the superintendent or county commissioners refuse to permit a person confined, who is otherwise eligible for a work release program, to participate in such program, that person shall have the right to petition the court for a hearing on the matter, and the decision of the court shall be conclusive.

#### Removal or Transfer of Offenders

30-B:21 Temporary Removal or Transfer. Any person confined in a county department of corrections facility may be transferred to any other county department of corrections facility or to the county department of corrections in another county when such transfer is in the public interest. The transfer proceeding shall be by petition of the superintendent of the transferring county department of corrections to the superior court, subject to the approval of the county commissioners of the county to which the transfer is planned. Said court may, after hearing and for good cause shown, order such transfer under such terms and conditions as appear necessary. The expense of transfer and maintenance shall be paid by the county petitioning for the transfer, unless waived by the receiving county department of corrections in accordance with a reciprocal or other arrangement between the counties involved. The superintendent of the transferring county department of corrections shall have custody over the prisoner during the transfer by a regular or specially authorized officer of that county. Upon admittance to the receiving facility, the prisoner shall be under the custody of the superintendent of the receiving county department of corrections.

30-B:22 Removal of Prisoners Because of Epidemic, or Repairs to Facility. Whenever, on account of the prevalence of disease, or the



rebuilding or repairing of a correctional facility or for other cause, the county commissioners shall think it expedient that the prisoners be removed therefrom, any 2 justices of the superior court may order their removal to some other correctional facility in the same or another county, there to be detained, in the same manner and by the same process as in the correctional facility from which they were so removed, until removed by similar process or discharged according to law.

30-B:23 Expense of Removal. The expenses of removing and maintaining prisoners incurred under RSA 30-B:22 shall be defrayed by the county from which they are removed.

30-B:24 Transfer of Female Prisoners. The county commissioners of any county may enter into an agreement with the commissioner of any other county for the care, custody, maintenance, and confinement of female prisoners. Such an agreement must meet the requirements of RSA 53-A.

3 Cross Reference; County Buildings. Amend RSA 23:3 to read as follows:

23:3 Buildings. Every county shall have suitable [houses of correction] correctional facilities and other buildings necessary for its uses, and suitable offices to insure the protection of the records of the register of deeds.

4 Cross Reference; County Real Estate. Amend RSA 28:7 to read as follows:

28:7 Real Estate. When so authorized by the county convention they may purchase such real estate as may be required for [a house of correction, county farm, jail] county correctional facilities, including county farms, or other county uses, and may repair, enlarge or erect county buildings at a cost exceeding \$5,000; and, with like authority, they may sell any of the county's real estate.

5 Cross Reference; County Personnel RSA 28:11 is repealed and reenacted to read as follows:

28:11 Personnel. The commissioners of each county shall appoint a superintendent for: the county farm, the county nursing home, and the county department of corrections. They may also appoint such other officers, agents and employees as may be required to properly care for the same and their inmates.

6 Cross Reference; Discharge or Suspension from Employment. Amend RSA 28:10-a, IV to read as follows:

IV. The salary of said employee shall terminate or be suspended on the effective date of his discharge, removal, or suspension; provided, however, that if the employee has been discharged, removed, or suspended without good cause, he shall be reinstated to his former position without loss of pay for the period of suspension and shall be reimbursed for his legal costs and reasonable attorneys' fees as determined by the personnel committee or, in the event of appeal from its ruling, by the supreme court. This section shall not apply to county employees laid off by reason of abolition of a position, change in organization, lack of work, or insufficient funds [, nor to employees of county jails not located at the county farm].

7 Cross Reference; Rules and Regulations. Amend RSA 28:12 to read as follows:

28:12 Rules and Regulations. The county commissioners may adopt rules and regulations for the governing and administration of county [jails, houses] departments of corrections, including county farms, county nursing homes, county welfare offices and any other county departments under the jurisdiction of the county commissioners.

8 Cross Reference; Ineligibility to be Superintendent. Amend RSA 28:13 to read as follows:

28:13 Ineligibility to be Superintendent. No county commissioner shall be superintendent of the county farm, the county [house of correction, the county jail] department of corrections, or of the county nursing home.

9 Cross Reference; Vouchers; Payment. Amend RSA 28:15 to read as follows;

28:15 Vouchers; Payment. No assisted person bill, and no bill or claim of a [jailer] superintendent of the county department of corrections against the county, shall be allowed by the county commissioners unless it is accompanied by proper vouchers for all payments charged therein, and is supported by an affidavit of the claimant, or some one in his behalf, that the same is a just and true account; and no such bill or claim shall be paid by the county treasurer without the allowance of the county commissioners.

10 Cross Reference; Reports; Publication; Penalty. Amend RSA 30:1 to read as follows:

30:1 Reports; Publication; Penalty. The sheriff, the [jailer] superintendent of the county department of corrections, the physician, the county attorney, the treasurer, the county commissioners, and the superintendent of the county farm of each county shall make up their several reports to the close of the county's fiscal year annually, and the same shall be printed together in pamphlet form before or during the second month following the close of the county's fiscal year. Whoever violates any provision of this section shall be guilty of a violation, and the fine shall be paid to the treasurer of the county of which said person is an official.

11 Cross Reference; Contents and Form of Reports. Amend RSA 30:3, I (d) and (e) to read as follows:

(d) Total cost of maintaining prisoners [at] by the county [farms] department of corrections, computed by the same method in each county; and

(e) Number of people helped outside [the farms and] the towns in which they reside.

12 Cross Reference; Tax Exempt County Lands and Buildings. Amend RSA 72:23, II to read as follows:

II. Lands and buildings and personal property owned and used by any county for governmental purposes, including [almshouses,] hospitals, court houses, registry buildings, [jails and houses of correction] and county correctional facilities except that county farms and their lands, buildings and taxable personal property shall be taxed;

13 Vacancy; Power of Deputies. Amend RSA 104:14 to read as follows:

104:14 Vacancy[.]; Power of Deputies. Whenever a vacancy happens in the office of sheriff, the deputies [and jailer then] in office shall continue to execute [the same] all official business previously committed to such sheriff, in the name of the late sheriff until another is appointed and qualified, and until they have completed all business previously entrusted to them.

14 Liabilities for Defaults and Misfeasances. Amend RSA 104:15 to read as follows:

104:15 [-] Liabilities for Defaults and Misfeasances. The defaults and misfeasances of such deputies [or jailers] during such time shall be deemed a breach of their respective bonds to the sheriff who has ceased to hold office.

15 Criminal Records; Reports. Amend RSA 106-B:14, I to read as follows:

I. With the approval of the commissioner of safety, the director shall make such rules and regulations as may be necessary to secure records and other information relative to persons who have been convicted of a felony or an attempt to commit a felony within the state, or who are known to be habitual criminals, or who have been placed under arrest in criminal proceedings. Such records and information shall not be open to the inspection of any person except those who may be authorized to inspect the same by the director. The clerks of the superior and municipal courts, or if there is no clerk the justice thereof, sheriffs, deputy sheriffs, police officers, [jailers,] and superintendents of [houses of correction] the county departments of corrections shall secure and forward to the director all such information as he may direct relative to persons brought before said courts or arrested or in the custody of such officers. Any person violating the provisions of this section or any rule or regulation made hereunder shall be guilty of a violation, for each offense.

16 Cross Reference; Payment by County. Amend RSA 126:20 to read as follows:

126:20 [-] Payment by County. The town clerk's fees for receiving, recording and indexing the record of a birth or death occurring at [a county farm, almshouse, jail and] any county correctional facility, including a county farm, or other county institutions shall be paid by the county in which said birth or death occurs, at the same rates; and the treasurer of any county shall, upon the presentation of the bill for such services of any town clerk within his county, duly approved by the county commissioners, draw his warrant for the same.

17 Cross Reference; Delinquent Children. Amend RSA 169-B:19, III to read as follows:

III. A minor found to be a delinquent after his seventeenth birthday, in addition to or in place of the dispositions provided for in paragraph I, may be committed to [the house of correction or jail] a county correctional facility for no greater term than an adult could be committed for a like offense; provided, however, that said term may not extend beyond his nineteenth birthday and provided further that during his minority he may not be confined in a [house of correction or jail] county correctional facility unless he can be separated from adults as provided in RSA 169-B:15.

18 Cross Reference; Delinquent Children. Amend the unnumbered paragraph following paragraph VIII of RSA 169-B:24 to read as follows:

The minor is entitled to the assistance of counsel, who shall have access to said court records, probation reports or other agency reports. If the court orders transfer to superior court, it shall provide a written statement of findings and reasons for such transfer to the minor. Cases so certified and accepted by the superior court may be disposed of by the superior court according to the laws of this state relating thereto without any limitations as to sentence or orders required by this chapter. All original papers in transferred cases shall remain in the court from which transferred and certified copies of the same shall be filed with and shall constitute the records of the court to which transfer is made. Pending disposition by the superior court, a juvenile whose case is thus transferred and accepted by the superior court may be placed under [the] supervision [of the probation officer] or required to recognize with sufficient sureties, or in default thereof, be detained at a county [jail, house of correction] correctional facility [or state prison] to await disposition of the case in said superior court; provided, however, once a minor is certified for trial as an adult and his case is transferred to the superior court, detention at the youth development center is prohibited.

19 Cross Reference; Delinquent Children. Amend RSA 169-B:25 to read as follows:

169-B:25 Petition by County Attorney. If facts are presented to the county attorney establishing that a person under the age of 18 has been guilty of conduct which constitutes a felony or would amount to a felony in the case of an adult and if such person is not within the jurisdiction of this state, the county attorney may file a petition with the judge of the municipal or district court which would otherwise have jurisdiction under the provisions of this chapter. The petition shall set forth the nature of the offense with which the person is charged and shall specify his whereabouts if known. On receipt of such petition, the court may summarily authorize the county attorney to proceed against such person under regular criminal procedures, and without regard to the provisions of this chapter. Pending determination by the superior court as herein provided and pending final disposition of the matter, such persons shall be bailable with sufficient sureties as in the case of adults and, in default thereof, may be committed to the custody of the probation officer or detained at [the county jail or house of correction] a county correctional facility unless detention elsewhere is ordered by the superior court. The



superior court shall determine, after hearing, whether such person shall be treated as a juvenile under the provisions of this section or whether the case shall be disposed of according to regular criminal procedures.

20 Cross Reference; Alcohol Abusers. Amend RSA 172:13, II to read as follows:

II. When a person is indicted for any felony, is bound over by any district or municipal court to await the action of the grand jury on any felony, or is charged with a misdemeanor, and question as to the drug dependency of said person is raised by either party, any justice of the superior, district or municipal court may, after hearing, order such person to be examined under the supervision and in accordance with the instructions of the commissioner to determine whether said person is drug dependent. Pending the examination and report of the commissioner, such person, at the discretion of the court, may be placed in the immediate care and custody of the commissioner; an alcohol-drug abuse clinic, a mental health clinic or center; the New Hampshire hospital; the secure psychiatric unit; an appropriate care facility; or any other responsible individual or diagnostic-treatment facility, or released on bail or personal recognizance, or confined to [the county jail] a county correctional facility until further order of the court. The commissioner shall report the results of the examination and his findings to the court in writing.

21 Cross Reference; Alcohol Abusers. Amend RSA 172-B:3, I-VI to read as follows:

I. When a peace officer encounters a person who, in the judgment of the officer, is intoxicated as defined in RSA 172-B:1, X, the officer may take such person into protective custody and shall take whichever of the following actions is, in the judgment of the officer, the most appropriate to ensure the safety and welfare of the public, the individual, or both:

(a) Assist the person, if he consents, to his home, an approved alcohol treatment program, or some other appropriate location; or

(b) Release the person to some other person assuming responsibility for the intoxicated person; or

(c) Lodge the person in a local jail or county [jail] correctional facility for said person's protection, for up to 24 hours or until the keeper of said jail or facility judges the person to be no longer intoxicated.

II. When a peace officer encounters a person who, in the judgment of the officer, is incapacitated as defined in RSA 172-B:1, IX, the officer may take such person into protective custody and shall take

whichever of the following actions is, in the judgment of the officer, the most appropriate to ensure the safety and welfare of the public, the individual, or both:

(a) Transport the person to an approved alcohol treatment program with detoxification capabilities or to the emergency room of a licensed general hospital for treatment, except that if a designated alcohol counselor exists in the vicinity and is available, the person may be released to the counselor at any location mutually agreeable between the officer and the counselor. The period of protective custody shall end when the person is released to a designated alcohol counselor, a clinical staff person of an approved alcohol treatment program with detoxification capabilities, or a professional medical staff person at a licensed general hospital emergency room. The person may be released to his own devices if at any time the officer judges him to be no longer incapacitated. Protective custody shall in no event exceed 24 hours.

(b) Lodge the person in protective custody in a local jail or county [jail] correctional facility for up to 24 hours, or until judged by the keeper of the facility to be no longer incapacitated, or until a designated alcohol counselor has arranged transportation for the person to an approved alcohol treatment program with detoxification capabilities or to the emergency room of a licensed general hospital.

III. No person shall be lodged in a local jail or county [jail] correctional facility under paragraph II unless the person in charge of the facility, immediately upon lodging said person in protective custody, contacts a designated alcohol counselor, a clinical staff person of an approved alcohol treatment program with detoxification capabilities or a professional medical staff person at a licensed general hospital emergency room to determine whether said person is indeed incapacitated. If, and only if none of the foregoing are available, such a medical or clinical determination shall be made by a registered nurse or registered emergency medical technician on the staff of the detention facility.

IV. No local jail or county [jail] correctional facility shall refuse to admit an intoxicated or incapacitated person in protective custody whose admission is requested by a peace officer, in compliance with the conditions of this section.

V. Notwithstanding any other provisions of law, whenever a person under 16 years of age who is judged by a peace officer to be intoxicated or incapacitated and who has not been charged with a crime is taken into protective custody, if no needed treatment is available, his parent or guardian shall be immediately notified and such person may be held at a police station or a local [or county] jail or a county correctional facility in a room or ward separate from any

adult or any person charged with juvenile delinquency until the arrival of his parent or guardian. If such person has no parent or guardian in the area, arrangements shall be made to house him according to the provisions of RSA 169-D:17.

VI. If an incapacitated person in protective custody is lodged in a local jail or county [jail] correctional facility his family or next of kin shall be notified as promptly as possible. If the person requests that there be no notification, his request shall be respected.

22 Cross Reference; Motor Vehicle Penalties. Amend RSA 262:23, I to read as follows:

I. It shall be unlawful for any person to drive any motor vehicle on the ways of this state while the order of the director prohibiting such driving remains in effect. If any person found to be an habitual offender under the provisions of this chapter is convicted of driving a motor vehicle on the ways of this state while the order of the director prohibiting such operation is in effect, he shall be sentenced, notwithstanding the provisions of RSA title LXII, to imprisonment for not less than one year nor more than 5 years. No portion of the minimum mandatory sentence shall be suspended, and no case brought to enforce this chapter shall be continued for sentencing; provided, however, that any sentence or part thereof imposed pursuant to this section may be suspended in cases in which the driving of a motor vehicle was necessitated by situations of apparent extreme emergency which required such operation to save life or limb. Any sentence of one year or less imposed pursuant to this paragraph shall be served in [the] a county [house of correction] correctional facility. Any sentence of more than one year imposed pursuant to this paragraph shall be served in the state prison.

23 Arrests; Place and Time of Detention. Amend RSA 594:20-a to read as follows:

594:20-a Place and Time of Detention. When a person is arrested with or without a warrant he may be committed to [jail, to a house of correction] a county correctional facility, to a police station or other place provided for the detention of offenders, or otherwise detained in custody; provided, however, that he shall be taken before a district or municipal court without unreasonable delay, but not exceeding 24 hours, Sundays and holidays excepted, to answer for the offense.

24 Arrests; Authority of Superintendent. RSA 594:21-a is repealed and reenacted to read as follows:

594:21-a Authority of Superintendent. The request of the officer making the arrest shall be sufficient authority if accompanied by an arrest report, uniform report of crime form, or other substantiating documentation, for the superintendent of the county department of corrections, for the police station, or for any other officer or person, for keeping the person arrested in custody pursuant to RSA 594:20-a.

25 Correctional Facilities; Religious Ministrations. Amend RSA 622:22 to read as follows:

622:22 Religious Ministrations. The rules and regulations established for the government of any prison, [house of correction] county correctional facility, or public charitable or reformatory institution shall provide for suitable religious instruction and ministration to the inmates.

26 Removal of Prisoners; Illness or Emergency. Amend RSA 623:1 to read as follows:

623:1 Illness or Emergency.

I. Any person confined in a county [jail, house of correction] department of corrections facility, state prison or other place of detention may, under necessary precautions, be taken by some regular or specially authorized officer from such place of detention to a medical facility within the state of New Hampshire for the purpose of receiving medical examination or treatment upon recommendation of a physician and upon approval of the administrator of the institution in which the person is confined. In the case of a transfer for medical purposes for a period in excess of 24 hours, the justice of the court who originally ordered the prisoner's commitment shall be given written notice of the transfer within 5 days of said transfer, and shall be given notice upon the return of the prisoner within 5 days of the prisoner's return.

II. Any person confined in a county [jail, house of correction] department of corrections facility, state prison or other place of detention may be temporarily taken from his place of confinement because of the imminently approaching death or funeral of a member of his immediate family or for other imperative and extraordinary purpose, including treatment, counseling or rehabilitation programs, for a period not exceeding 48 hours without approval by a justice of the superior court.

27 Removal of Prisoners; Court Appearances. Amend RSA 623:1-a to read as follows:

623:1-a Court Appearances. Any person confined in a county [jail, house of correction] department of corrections facility, state prison, or other place of detention may, under necessary precautions and upon approval of the administrator of the institution in which said person is confined, be taken by some regular or specially authorized officer from such place of detention to a state or federal court within the state of New Hampshire to appear in a proceeding before that court, provided that the absence of the inmate from the place of detention shall not exceed 12 hours without approval of a justice of the superior court.

28 Transfer from State Prison. Amend RSA 623:2 to read as follows:

623:2 Transfer from State Prison. Any person confined in the state prison may, upon recommendation of the commissioner of corrections, [and with the approval of the governor or a justice of the superior court,] be transferred to a county [jail or house of correction] correctional facility if such transfer is approved by the county commissioners of the county in which the receiving facility is located.

29 Transfer to State Prison. Amend RSA 623:3 to read as follows:

623:3 Transfer to State Prison. Any person who is confined awaiting trial on a felony charge may be transferred to the state prison from the county [jail or house of correction] correctional facility, upon the recommendation of the [sheriff] superintendent of the county department of corrections, and with the approval of the county commissioners of said county.

30 Transfer Procedure. Amend RSA 623:4 to read as follows:

623:4 Transfer Procedure. No person shall be transferred pursuant to the provisions of RSA 623:2 and 3 unless both the commissioner of corrections and the respective [county sheriff] superintendent of the county department of corrections sign an authorization to permit such a transfer.

31 Transfer to Secure Psychiatric Unit. Amend RSA 651:11 to read as follows:

651:11 Transfer from [Jail] County Correctional Facility. If any insane person is confined in [jail, or a house of correction] a county correctional facility, the superior court shall order him to be committed to the secure psychiatric unit.



32 Sentencing; Misdemeanors. RSA 651:17, II is repealed and reenacted to read as follows:

II. The sentence shall be that the offender be confined to hard labor, for the term ordered by the court, in a county department of corrections facility, except where otherwise provided; in addition to incarceration in a county department of corrections facility, courts shall also consider the following alternative sentencing options:

- (a) Restitution to the victim.
- (b) Service to the community.
- (c) The payment of fines.
- (d) Counseling for psychological, emotional, drug, or alcohol problems of the defendant.
- (e) Supervised and monitored probation.
- (f) Having the defendant report to the court.
- (g) Employment assistance.
- (h) Educational or vocational training.
- (i) Confinement to a person's place of residence.
- (j) Special alternative incarceration.

33 Place of Commitment; Reduction in Sentence. RSA 651:18 is repealed and reenacted to read as follows:

651:18 Place; Reduction in Sentence. Persons liable to commitment to a correctional facility for any offense may be committed to any county correctional facility at the discretion of the court. Any prisoner whose conduct while in a county correctional facility has been meritorious may be issued a permit and discharged by the superintendent of the county department of corrections when he has served  $\frac{2}{3}$  of his minimum sentence, provided it shall appear to the superintendent to be a reasonable probability that he will remain at liberty without violating the law and will conduct himself as a good citizen.

34 Work by Prisoners. RSA 651:36-a is repealed and reenacted to read as follows:

651:36-a Work by Prisoners. The county commissioners of any county may make arrangements with officials of a city or town to work prisoners from the county correctional facilities at municipally owned recreational facilities or conservation projects. Prisoners so worked from the county correctional facility shall be in the custody of the superintendent of county correctional facilities.

35 Repeal. The following are repealed:

I. RSA 618:6-13, relative to persons sentenced to jails or county houses of correction for failure to pay a fine.

II. RSA 619, relative to common jails and prisoners of common jails.

III. RSA 620, relative to houses of correction.

IV. RSA 651:19, relative to release for purposes of gainful employment or rehabilitation.

36 Purpose and Explanation. The purpose of sections 2-35 of this act is to recodify in a comprehensive manner existing county correctional laws which are presently scattered throughout the Revised Statutes Annotated. This recodification makes no substantive changes in the present laws and requires no additional funding on the state, county, or local level. This recodification deletes and updates certain archaic language and repeals obsolete sections of the law.

37 Effective Date. This act shall take effect January 1, 1988.

Floor Amendment Adopted. Ordered to Third Reading.

Recess

Out of Recess

Senator Bartlett in the chair.

HB 232-FN, Relative to the homestead exemption for disabled veterans. Ought to Pass. Senator Pressly for the Committee.

SENATOR PRESSLY: HB 232 relative to the homestead exemption for disabled veterans. As amended, this bill expands the disabilities a service man may have in order to qualify for the homestead exemption, to include double amputees of the upper or lower extremities or any combination thereof and veterans who are blind in both eyes with a visual acuity of 5/200ths or less. This bill brings the New Hampshire language in line with the Federal language. It just adds an unusual interpretation. Without this, an amputee with a combination, say missing one arm and one leg, is not eligible. By adding the language or a combination thereof, our disabled veterans will now qualify for the homestead exemptions, that we as a committee unanimously felt that they were entitled to. The committee report is ought to pass.

Adopted. Ordered to Third Reading.

HB 273-FN-A, Relative to congregate services programs and making an appropriation therefor. Ought to Pass. Senator Krasker for the Committee.

SENATOR KRASKER: HB 273-FN is a pilot program. It's a new concept in housing for elderly and handicapped people. It will be administered through the Manchester Housing Authority. It's going to be in Manchester. It will cost about \$120,000 dollars a year of state funding, the additional funding is all Federal. It will provide elderly people, who otherwise would have to go into nursing homes, with three meals a day and light housekeeping and everything they need to keep them in their own homes. We felt that this is a very important, certainly from a humane standpoint, and also from a cost effective standpoint, because it does allow them to stay in their own home.

Adopted. Referred to Finance under Rule #24.

HB 217-FN, Relative to nursing home care costs paid by counties. Ought to Pass. Senator Bond for the Committee.

SENATOR BOND: HB 217 is relative to nursing home care costs paid by county. Before 1981, when the economic winds of New Hampshire were rather wet, \$100 dollars of the nursing homes costs was covered, \$60 by the federal, \$20 by the county and \$20 by the state government. As a result of the economic bad times, that \$100 between 1981 and 1984 was covered, \$60 by the federal, \$25 by the county and \$15 by the state. That's 62.5% of the non-federal share was for the county and 37.5% for the state. That was adjusted in the 1985-1986 because the federal amount went down from \$60 to \$55. The county cost went up to \$28, 61.5%, and the state share went up to \$17, or 38.5 %. What this does, is return to the counties what they gave to the state in its bad time. In 1987 the federal amount will be down to \$51, the county will be down to \$24.50 and the state \$24.50, in other words the non-federal share would be split 50/50 by the state and county. The property tax is the basis for the payments of the county. The property tax was capped in order to offset the deficits of the state and it is now only reasonable that as we are correcting the transfer tax and as we are correcting the business profits tax, we also live up to our promise to give back to the counties that money that they gave to us back in 1981.

SENATOR DISNARD: Would you believe because of the generosities of the communities, which they expected to be taken care of

when the financial picture improved, that the counties are paying \$3,779,108 more than the State. That's what we're asking for for fairness?

SENATOR BOND: I would agree.

Adopted. Referred to Finance under Rule #24.

HB 347-FN-A, Relative to the dental hygienist program at the New Hampshire technical institute and making an appropriation therefor. Ought to Pass. Senator Bond for the Committee.

SENATOR BOND: The committee had a great deal of trouble hearing this bill. First we got smoked out of one place and then we got alarmed out of another, but the thrust of the bill is that the request is an investment of \$100,000 in 1988 and \$175,000 in 1989, to expand the dental hygienist program. There are many more vacancies for dental hygienist then there are candidates for positions. The technical institute presently has the facilities to train dental hygienists and they have their day time slots full. However, they could effectively establish a second program using the same facilities, optimizing the facilities. When I say investment, the State of New Hampshire benefits from this program because the dental care rendered to people, way up main street and other state facilities, are provided for by the hygienist who are students. It is an excellent use of State funds. It will more than pay for itself in the long term. We urge your support.

Adopted. Referred to Finance under Rule #24.

### RECONSIDERATION

Senator Preston moved reconsideration on HB 186, whereby it was ordered to Third Reading and urge my colleagues to vote yes.

Adopted.

Senator White moved reconsideration, whereby we adopted the amendment.

Adopted.

Question: Ought To Pass.

Adopted. Ordered to Third Reading.

### COMMITTEE REPORTS

HB 284-FN-A, Making an appropriation for a conference on day care. Ought to Pass. Senator Krasker for the Committee.

SENATOR KRASKER: One of the real needs in the State is additional day care. The State is doing its part with its funding of day care and it's hoped that, through this conference, there will be information and options for employers to participate in providing day care services for children of their employees. Twenty-five hundred employers in the United States now offer some child benefits. This is less than one tenth of 1%. There is a need nationwide. There is certainly a need in New Hampshire, and this small appropriation will go a long way toward encouraging employer supported child care.

Senator Blaisdell waived Rule #24.

Adopted. Ordered to Third Reading.

HB 322-FN-A, Relative to the AIDS virus and making an appropriation therefor. Ought to Pass. Senator Krasker for the Committee.

SENATOR KRASKER: HB 322 is probably one of the most important bills we will pass in this session. It provides the state plan for dealing with the problem of AIDS. We were told by public health that they were six months developing this plan based on the best information they could find from the center for disease control, from other states and from the surgeon general. What the bill does is, provide in each year of the biennium, an amount of money, \$325,000 the first year, \$339,000 in the second year, for a very, very intensive educational program, information and educational materials to be distributed to the Department of Education, school boards, health care providers and facilities and others. We were told during a lengthy three hour hearing that the most effective way to fight AIDS, at the present time, is through education. In addition, it will allow the division of public health services to provide live laboratory testing services to certify other laboratories to do the testing and also to conduct follow up investigations. It includes an informed consent procedure before any person can undergo testing and it would create six classified full time permanent positions within the division of public health services to carry out the provisions of the act. We did have presented to us an amendment which would have provided for a mandatory pre-marital blood testing. After listening to the testimony, it was a decision of the committee that this was premature, that the explicit test for AIDS is still inaccurate enough, so that it perhaps will be a future option, but should not be implemented at the present time.

Adopted. Referred to Finance under Rule #24.



HB 339-FN-A, Relative to lead paint abatement. Ought to Pass. Senator Krasker for the Committee.

SENATOR KRASKER: This bill prohibits children six years of age or less to be in a house or any dwellings when lead paint is being removed, because the particles are so harmful, particularly to young children. There is no appropriation on the bill, but it does give public health the authority to do testing and to make sure that the children, who might be harmed, are not in buildings when the paint is being removed. This is the most dangerous time because the particles permeate the air.

Adopted. Ordered to Third Reading.

HB 117-FN, Relative to sunset review of board of medicine. Ought to Pass. Senator Disnard for the Committee.

SENATOR DISNARD: HB 117-FN relative to sunset review of board of medicine, renews this agency for six years.

Adopted. Ordered to Third Reading.

HB 718, Clarifying certain planning and zoning statutes. Ought to Pass with Amendment. Senator Heath for the Committee.

SENATOR HEATH: This is, primarily, a housekeeping bill. Clarifications put into exact law what has been done and interpreted to be correct in the past. The only amendment is to leave the town option for small towns to elect alternatives to the ZBAs intact as it presently is practiced.

#### AMENDMENT TO HB 718

Amend the bill by deleting section 1 and renumbering sections 2-8 to read as 1,2,3,4,5,6, and 7 respectively.

Amendment Adopted. Ordered to Third Reading.

HB 231-FN, Relative to updating master plans once every 5 years. Re-refer to Committee. Senator Pressly for the Committee.

SENATOR PRESSLY: HB 231-FN although it is a very short bill, there was a certain amount of conflict of opinion on the committee. We felt that we were very close to finding some language that would be appropriate, however, we do not have that language yet. The discussion centers around the element of mandating a five year review

period. We feel that every community should certainly be encouraged, nudged, whatever you would like to call it, to review their master plans, but we're not comfortable with the current language. We would like to have the opportunity to find language that we feel would be appropriate and applicable to all communities. Therefore, we have asked that this bill be re-referred so we may have the chance to do that and bring it back next year.

Adopted.

HB 701-FN, Relative to the fee charged for copies of checklists. Ought to Pass with Amendment. Senator Johnson for the Committee.

SENATOR JOHNSON: The amendment to HB 701-FN is on page 27. Essentially what this legislation does is provide for towns when they are selling their check list to recover the actual cost incurred or except that in no event shall the fee be less than \$5 nor more than \$25 per checklists. Testimony was that some towns were making money unnecessarily, charging high prices for their checklists. In addition, the committee amendment includes adding the word mailing in front of address. You may recall a couple years ago, the legislature required addresses to be included on the voter checklists and some towns have mailing addresses, some towns have other addresses and there is a good deal of confusion in that regard. This amendment now calls for a mailing address on voter checklists and that's really the main purpose of it.

#### AMENDMENT TO HB 701-FN

Amend the bill by replacing all after the enacting clause with the following:

1 Availability of Checklist; Copies. Amend RSA 654:31 to read as follows:

654:31 Availability of Checklist. The checklist as corrected by the supervisors shall be open for the examination of any person at all times before the opening of a meeting or election at which the list is to be used. [After each state election, the] The supervisors shall furnish one or more copies of the most recent checklist [used in that election] to any person requesting such copies. If the supervisors maintain or have access to the checklist or information from which the checklist was derived in more than one form, the person requesting copies shall be furnished copies in any of those forms according

to his preference. The supervisors may charge a reasonable fee for copies[, and] that is based on the actual costs incurred when reproducing an existing checklist, except that in no event shall the fee for paper copies of any single town or ward checklist be less than \$5 nor more than \$25 per check list. The fee charged for checklists on computer disk or tape, or in any form other than paper, shall be based solely on the additional costs incurred to provide such checklist to the individual requesting it. The fee shall be for the use of the town or city.

2 Contents of Checklist. Amend RSA 654:25 to read as follows:

654:25 Preparing Checklist. The secretary of state shall issue and distribute guidelines for the composition and style of checklists and for the maintenance of data related to checklists by which the supervisors of the checklist shall compile and correct the checklist. Such guidelines shall specify the information which is to be maintained and updated by the supervisors. The secretary shall establish standard forms and procedures for the use of the supervisors for the maintenance of such information. The information to be maintained and updated shall include the full name, address and party affiliation, if any, of each voter on the checklist and such other information as the secretary requires. The supervisors shall use the information so maintained and updated to prepare the checklist for all state elections. Every checklist used at any state election shall contain as a minimum the full name, mailing address and party affiliation, if any, of each voter on the checklist.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment Adopted. Ordered to Third Reading.

HB 717, Relative to membership on planning boards. Ought to Pass. Senator Pressly for the Committee.

SENATOR PRESSLY: HB 717 is relative to membership on planning boards. It's a very small bill. There is only one new section and it says "or with the approval of the local legislative body, his designee". This will give the mayor of a city or town the ability to, with the approval of the legislative body, have someone stand in, in his or her place, as an ex-officio member on the planning board. The committee recommended ought to pass.

Adopted. Ordered to Third Reading.

HB 263-FN-A, Establishing the arts development program and making an appropriation therefor. Ought to Pass. Senator Pressly for the Committee.

SENATOR PRESSLY: It is a pleasure that the committee recommends ought to pass on establishing the arts development program and making a small appropriation. This concept has been passed by both chambers frequently in the past. It is an effort to recognize and support the local arts groups through a matching grant system. As you know, the commission on the arts does this through other grant programs. They have a system in place that they are prepared to do this very thing. This is an effort to encourage and support, in a very small way, the cultural centers and the arts groups that exist in our state. The committee is pleased to recommend ought to pass.

Adopted. Referred to Finance under Rule 24.

HB 552-FN, Relative to deputy sheriffs and making an appropriation therefor. Ought to Pass. Senator Charbonneau for the Committee.

SENATOR CHARBONNEAU: This bill raises the deputy sheriffs per diem from \$40 to \$50 dollars per day plus traveling expenses. These deputy sheriffs are employed as bailiffs. Their last pay raise was in 1975, they do not get any other benefits. I urge you to support this.

Adopted. Referred to Finance under Rule 24.

HB 62, Relative to establishing salaries of county officers. Ought to Pass. Senator Pressly for the Committee.

SENATOR PRESSLY: The body of this bill actually does two things. The current statutes, and no one seems to know why, identifies some appointed positions as coming under the jurisdiction of the executive committee of county government. This bill will change that, so that the executive committee will only determine the salary of elected officials and the department heads will recommend the salaries for the assistants and their appointees. As you all know, the executive committee still does review their budget, and still does have an overall review process through their budget. The second aspect of it makes it possible that the salary reviews of the elected officials will only take place once in the biennium and it will take place prior to the election. This will mean that anyone running for those offices will know, prior to running, exactly what their salary

will be and they will fully understand that it will not be reviewed while they serve in office. It was the feeling of the committee that this bill was of value and both aspects of it were important and should be passed. The motion is ought to pass.

Adopted. Ordered to Third Reading.

HB 438, Relative to applicants for armed security guard and armed private detective licenses. Ought to Pass. Senator Charbonneau for the Committee.

SENATOR CHARBONNEAU: Current law pertain to the application of a security guards or private detectives license states that each individual must have two sets of fingerprints taken whether they are applying for armed or unarmed guard or a protective license. This creates more paper work, uses up file space and creates unnecessary work. This bill limits the requirement to only those individuals applying for an armed guard or detective license, the fingerprints for an unarmed applicants are unnecessary.

SENATOR WHITE: Senator Charbonneau, are you talking about single-handedly taking care of these problems, is that what you were referring to in that last comment?

SENATOR CHARBONNEAU: Yes.

Adopted. Ordered to Third Reading.

HB 595, Changing the time and place for holding the first meeting of the county convention. Ought to Pass with Amendment. Senator Charbonneau for the Committee.

SENATOR CHARBONNEAU: This bill, with the committee amendment, changes the date for holding the first meeting of the county convention to the second Wednesday in December, of each even numbered year, at a convenient place in the county. It sets a definite date for the county convention rather than, sometime within seven days after the first Wednesday of December. And rather than each biennial session of the general court, it would be each even numbered years to be held in a convenient place, rather than mandating the meeting to be held in Concord on the county seat. I urge your support.

#### AMENDMENT TO HB 595

Amend the bill by replacing section 1 with the following:



1 Time for Meeting Changed. Amend RSA 24:9-a to read as follows:

24:9-a First Meeting. The first meeting of the county convention shall be convened [within 7 days after] the [first] second Wednesday of December of each [biennial session of the general court, either in the city or town where the house of representatives meets, or] even-numbered year, at [the county seat] some convenient place in the county. The time and place of the meeting shall be announced by the clerk of the house of representatives on the first Wednesday of December of each [biennial session of the general court] even-numbered year.

Amendment Adopted. Ordered to Third Reading.

HB 466-FN, Prohibiting any town or school district from holding an election on the day state elections are held. Ought to Pass. Senator Pressly for the Committee.

SENATOR PRESSLY: The committee recommends ought to pass on HB 466-FN. However, we do have a floor amendment to put forth to you. While that is being passed out, I will explain to you the whole concept of this. Current law prohibits any town from holding their town elections as same day as the state elections. What has been happening, the towns now have the home rule ability. The ability to form a charter commission and create their own form of government, which we all applaud, we are very pleased that this is happening. But some of the towns, when they become town cities, have in their charters have their elections coincide with the state. Although this may appear, on the surface, as being an economical, a very worthwhile thing to do, what this does to your state elections it is put an enormous burden, not only in people time, but in dollars. It puts a burden on the state department, in that, in creating ballots, they have to hold them up and wait for the town's portion of the ballots. What this has actually done, it has caused the absentee ballots to be forced to going out late. There have been complaints that people do not receive their absentee ballots in a timely fashion in order to get them returned. It was the feeling of the committee that the current law should remain the same, that cities and towns should hold their own local elections, at times different from the state elections. Our concern was that because of what is currently happening, there are some school districts throughout the state that have been doing this through the years. Instead of grandfathering them in, it was the sense of the committee that we should propose this amend-

ment to you, which would give every city, or town or school district that is impacted by this, four years to make the changes that they need to make in their local structure in order to be in compliance.

Senator Pressly offered a floor amendment.

SENATOR PRESSLY: We feel the amendment is addressing the concerns of the few school districts that this will impact. What this will do as you can see is that, each school district will have four years from the date upon which this act becomes effective to make its election of school district officers conform with the provisions of section two of this act. This is an effort to address the few cities that this will be a problem for. I have spoken with the Secretary of State's office. He is very willing to sit down with the city officials, the few that this will impact, and work out with them the various choices and alternatives that they can have and propose to come in compliance with this act.

Senator Disnard moved to lay HB 466-FN on the table

Division vote:

8 Yeas

7 Nays

Motion Adopted.

HB 407-FN, Amending the way in which the town of Londonderry shall collect its taxes for fiscal years 1987-1994. Ought to Pass. Senator Charbonneau for the Committee.

SENATOR CHARBONNEAU: The legislation solves cash flow problems for the town of Londonderry, not foreseen when the town changed fiscal year resulting from compliance of the laws of 1983, 1895. I urge you to support it.

Adopted. Ordered to Third Reading.

HB 597-FN, Relative to the residency requirement for the elderly, expanded elderly, and adjusted elderly property tax exemptions. Ought to Pass with Amendment. Senator Pressly for the Committee.

SENATOR PRESSLY: On HB 597, the committee recommended that the word personal or family reasons be removed, so that it will only apply to health reasons. This is an effort to establish that once a person has established elderly exemption, should they leave the state for health reasons and return, that they would be able to rein-

state their elderly exemption and not have to meet the five year residency, for the adjusted elderly property tax exemption. The committee felt that this was fair and reasonable, should a person leave for health reasons.

#### AMENDMENT TO HB 597-FN

Amend RSA 72:41-a as inserted by section 1 of the bill by replacing it with the following:

72:41-a Removal from State; Residency Requirement. Any person who has qualified for the exemption under RSA 72:39, 72:43-b, or 72:43-f, who has met the conditions for an exemption under RSA 72:40, 72:43-c, or 72:43-g, and who has filed a permanent application for the exemption under RSA 72:42, shall not be required to meet the residency requirement under RSA 72:40, I, 72:43-c, I, or 72:43-g, I a second time if it becomes necessary for the person to leave New Hampshire and establish residency in another state for any length of time due to health reasons, and who then reestablishes his residency in Hew Hampshire.

Amendment Adopted. Ordered to Third Reading.

HB 706-FN, Increasing the per diem allowance for county delegation meetings. No Recommendation. Senator Pressly for the Committee.

SENATOR PRESSLY: HB 706 is a House request, that the per diem allowance for the state representatives that attend county delegation meetings, be increased from \$15 to \$25. As you know, all State Representatives are members of their county delegation. They attend county meetings. They do get paid the normal mileage for their attendance and then they are allowed to be paid up to \$15 per meeting. This request is that they now be allowed to be paid \$25 dollars per meeting plus mileage. The committee was split in this regard, so we are coming to the full Senate to ask for the following motion of inexpedient to legislate.

Senator Pressly offered Ought To Pass for the Committee Report.

SENATOR PRESSLY: The effort of this bill is to raise the salary for State Representatives to attend the county delegation. I think we all know that we have a citizens legislature, a volunteer legislature, giving somebody \$10 more to attend a meeting is not going become a salary, it is not going to be the incentive to get people to run. In the

county of Hillsboro, this is going to add \$30,000 to the county budget, in order to pay this extra salary to the attendees. Although that seems like very little, as we know the county tax does go against the property tax. The property tax is what our constituents must pay yearly to live in their homes. Therefore, although I am very very supportive of our State Representatives, I commend the job that they do, I feel that they should not receive a larger salary for attending meetings. They currently get their mileage and they currently can receive up to \$15 for that. Therefore, I do not feel that this portion of the bill ought to pass. If this should fail, any other member wishing to make an amendment to it and a substitute would still have the ability to do that. I recommend that we vote against ought to pass.

SENATOR DISNARD: Senator Pressly, would you believe I really understand why perhaps you do not want Hillsboro County to have to pay an extra \$30,000? But however, I read this as may. If the delegation of the representatives you mentioned in your county do not wish to pay it, it says may ought to, but Coos or Rockingham or other counties may vote that they wish to pay a different sum of money. Since it is permissive, what difference does it make, no one is going to force your county to pay \$25. The county delegation themselves will have to vote on it, if it says may up to?

SENATOR PRESSLY: That is correct. It is enabling legislation. However enabling legislation is permissive in order to let people charge more. I feel that the State Senate should be responsible for keeping the property tax down as best as they can and that they should not permit the State Representatives to pay themselves more money.

SENATOR DISNARD: Do you believe that I don't think we should tell the county delegation how they should vote their funds? If they wish to vote it, let them. That is their business. Let them take the rap from the taxpayers, but I don't think we should tell them they shouldn't?

SENATOR PRESSLY: I believe, in response to your question, yes I believe that and at the current law, we do have a cap of \$15, we are raising the cap. So, we already do put a restriction on how much they can charge.

SENATOR HEATH: I rise in favor of the bill for a number of reasons. One is, I think it is critical that we have a vehicle for the amendment. But if we fail to pass this bill, we've taken a first step

with interfering with long tradition about not screwing with house policy that has nothing to do with us. If this is permissive, it's not mandated cost, they have to take the heat if they voted and I don't think that in Carroll County that people who come there at 10:00 in the morning and are there at 4:00 in the afternoon working are over-paid for \$15 dollars per diem. The main body of the bill is simply a permissive thing for House members to do that as they choose. If they do it, they do it at their own peril and I would urge ought to pass for that reason and for the reason that there is an important amendment awaiting. I think that we need to save this vehicle for that amendment.

Senator Podles moved to substitute indefinitely postpone.

SENATOR PODLES: I think for Hillsboro county to be paying this kind of salary, \$25 for each meeting that they attend. I think that that is unfair to the taxpayers and they are the ones who have to pick up the tab. I would urge you to support indefinitely postpone.

SENATOR HOUNSELL: I rise in opposition of the motion to indefinitely postpone. Not for any great passion over the bill that is before you, but because I would like to pass this vote ought to pass, so that I can offer a floor amendment and I could speak to it at the appropriate time. I would, however, point out that under the rules that this would be sent to Senate Finance where our concern could be addressed, and possibly the bill further amended. I would like very much the opportunity to address my amendment to this bill, so I would urge at this time to vote down indefinite postponement.

Motion Failed.

Senator Hounsell offered a floor amendment.

SENATOR HOUNSELL: This amendment that is before you is identical to the language of SB 111, that this body passed on March 19th of this year. The bill simply does this; it allows that a local community can choose to either have the zoning board members appointed or elected. We voted on this once as a body. We voted on a voice vote in the affirmative. We sent it to the House. The House held a hearing. I went to the hearing. There was no objection voiced there. No one came to testify other than myself and a friend of mine who came to speak to it. This amendment is a good piece of legislation. I'll answer any questions about it.

Senator Hounsell withdrew his motion.



Senator Heath moved to lay HB 706-FN on the table.

Adopted.

HB 723-FN, Relative to licensing non-depository first mortgage bankers and brokers and relative to second mortgage home loans. Ought to Pass with Amendment. Senator Dupont for the Committee.

SENATOR DUPONT: You have before you, in the supplemental calendar on page 28, the amendment for HB 723. Basically, this bill deals strictly with non-depository mortgage bank companies. These are companies set up within the State, strictly for the purpose of brokering mortgages. In the amendment, we clarified some situations in the bill relative to fees and a couple of other small items. Also, in the bill, we have made some changes that the banking commissioner needed done relative to regulation of this piece of legislation. Along with the passage of the amendment there are positions added in the budget to take care of some staffing problems. What you have in front of you is a package that Banks has worked on and it is a good bill.

#### AMENDMENT TO HB 723-FN

Amend RSA 397-A:4, I (h) as inserted by section 1 of the bill by replacing it with the following:

(h) Employees of licensees, or independent agents under exclusive contract with a licensee, unless otherwise required to be licensed as a first mortgage broker under the provisions of this chapter.

Amend RSA 397-A:5, II(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Each license application shall be accompanied by a non-refundable application fee of \$250 for each separate office location within this state to be licensed. Any applicant licensed prior to July 1, 1987, shall not be required to pay a new application fee, but shall pay a renewal fee under RSA 397-A:8. Sums collected under this subparagraph and RSA 397-A:8, III shall be credited to the appropriation for the bank commissioner, small loan and vehicle finance division.

Amend RSA 397-A:5, II(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Each applicant shall be required to submit to the banking department detailed financial information sufficient for the bank commissioner to determine the applicant's ability to conduct the business of a mortgage banker or a mortgage broker with financial integrity. At a minimum, each applicant must demonstrate a net worth of \$100,000 or shall post surety or insurance in said amount as determined by rules adopted by the bank commissioner.

Amend RSA 397-A:8, III as inserted by section 1 of the bill by replacing it with the following:

III. A renewal fee of \$250 for the office license for each branch office license shall be submitted with the application for license renewal.

Amend RSA 397-A:9 as inserted by section 1 of the bill by replacing it with the following:

397-A:9 License Posting. It shall be unlawful to engage in the business of making or brokering first mortgage loans without a conspicuously posted license in the licensee's principal place of business within this state and in each of the licensee's branch offices within this state.

Amend RSA 397-A:12, V as inserted by section 1 of the bill by replacing it with the following:

V. For each examination, the licensee shall pay a sum equal to the product of the average daily rate of pay of all examining personnel employed in making examinations pursuant to the provisions of RSA 383:9, but no licensee shall be charged for less than one full day. Sums collected under this paragraph shall be credited to the appropriation for the bank commissioner; small loan and vehicle finance division.

Amend RSA 397-A:14, II as inserted by section 1 of the bill by replacing it with the following:

II. Interest may be computed either on a 360-day basis with each month containing 30 days, or on a 365-day basis with each month containing the actual number of calendar days in that particular month. Unless otherwise provided in the note, loan payments shall be applied on the scheduled payment date.

Amend the bill by replacing all after section 4 with the following:

5 Fees. Amend RSA 398-A:1-a, III to read as following:

III. The license fee for each calendar year or part thereof shall be \$250. Sums collected under this paragraph shall be credited to the appropriation for the bank commissioner, small loan and vehicle finance division.

6 Costs. Amend RSA 398-A:1-d to read as follows:

398-A:1-d Cost. The commissioner may make such an examination of the affairs, business, office and records of [each] any licensee. For each [such] examination, the licensee shall pay a sum equal to the product of the average daily rate of pay of the examining personnel employed in making [such examination multiplied by the number of man days, or portion thereof, devoted to the examination of the particular licensee] examinations pursuant to the provisions of RSA 383:9, but no licensee shall be charged for less than one full day. Sums collected under this section shall be credited to the appropriation for the bank commissioner, small loan and vehicle finance division.

7 Reference Change. Amend RSA 398-A:1-e to read as follows:

398-A:1-e Report. Beginning on February 1, 1986, each licensee shall file with the commissioner on or before February 1 of each year a report under oath concerning the business and operations for the preceding year ending December 31 in the form prescribed by the commissioner, which shall show the annual volume and outstanding amounts of second mortgage loans, the classification of such loans made by size and by security, and the gross income from, and expenses properly chargeable to, such loans. Whenever a licensee operated 2 or more licensed offices or whenever 2 or more affiliated licensees operate licensed offices, then a composite report of such group of licensed offices may be filed in lieu of individual reports. The commissioner shall publish an analysis of the information required under this section as a part of his annual report. Any licensee failing to file the report required by this section within the time prescribed shall pay to the commissioner the sum of \$25 for each day said report is overdue. If a licensee elects to file a composite report and such composite report is not filed on or before February 1 as required in this section, the penalty prescribed in this section shall apply separately for each license held.

8 Reference Change. Amend RSA 398-A:2, I to read as follows:

I. The allowable rate of interest computed on the unpaid balance that any person may directly or indirectly charge, take or receive for a second mortgage loan secured by property which is occupied in whole or in part at the time said loan is made as a home by any obligor on the mortgage debt or by any person granting or releasing any interest under said mortgage shall be the rate agreed upon in the note between borrower and lender, and following the sixth month of any period in which a loan has been in continuous default not more than 1-1/2 percent per month on any unpaid balances.

9 Reference Change. Amend RSA 398-A:3 to read as follows:

398-A:3 Effect of Failure to Specify Interest Rate. If any note secured by a second mortgage, in the case of loans other than open-end loans, does not among its provisions clearly indicate the principal sums, the rate of interest, the period of the loan and the periodic due dates, if any, of principal and interest or, in the case of open-end loans, if the note does not among its provisions clearly indicate the maximum amount of credit available, the rate of interest, the selected payment, or its manner of determination, and the related period or periods of repayment and the monthly or periodic due dates, then the lender shall have no right to collect interest.

10 Reference Change. Amend RSA 398-A:11 to read as follows:

398-A:11 Commissioner Their Attorney. Any out-of-state second mortgage broker or agent shall be deemed to have appointed the bank commissioner or his successor in office, his true and lawful attorney upon whom may be served all lawful process in any action or proceeding against him growing out of the provisions of this chapter. Any process against such person so served shall be of the same legal force and validity as if served on him personally.

11 Reference Change. Amend the introductory paragraph of RSA 398-A:13 to read as follows:

398-A:13 Rulemaking Authority. The bank commissioner shall adopt rules, pursuant to RSA 541-A, governing institutions which make second mortgage loans within the state of New Hampshire relative to the following:

12 Effective Date. This act shall take effect January 1, 1988.

Amendment Adopted. Ordered to Third Reading.

HB 607-FN, Increasing the personal needs allowance for recipients of medical assistance residing in nursing homes, shared homes, and community residences, and making an appropriation therefor. Ought to Pass with Amendment. Senator White for the Committee.

SENATOR WHITE: Basically what this does, it's a two part bill, and the first part of the bill increases the personal needs allowance for the people in nursing homes from \$30.00 a month to \$35.00 a month. The amendment you will find on page 25 of your calendar deals with increasing the personal needs allowance for people in shared homes and community residences from \$25 to \$35. The problem in the shared homes is that currently their personal need funds cover their prescriptions, as well as all their other needs that they have. We felt that they were really the most needy people. The reason that we have the amendment is because it came under two different sections in the RSAs, and we felt that they should be in two separate places. Basically, what the appropriation is, is \$145,314 from the general funds the first year and \$156,585 the second. We have passed the equal shares between the state and the county, so that there is an equal amount for the county to be paid and also there is a sum in there for the federal government. We had the hearing yesterday, in the snow, and we had the people come over from Riverside. The clients at Riverside still came in the snow and we were concerned that they might not be able to get back home safely, but they were so concerned about this bill that they made the extra effort to come. We would hope that you support the committee report of ought to pass.

#### AMENDMENT TO HB 607-FN

Amend the title of the bill by replacing it with the following:

##### An Act

increasing the personal needs allowance for recipients  
of medical assistance residing in nursing homes,  
and making an appropriation therefor:

Amend the bill by replacing section 1 with the following:

1 Personal Needs for Residents of Nursing Homes, Shared Homes, and Community Residences. Amend RSA 167:27-a to read as follows:

167:27-a Personal Needs Allowance of Residents of Nursing Homes. The director of the division of human services, department of health and human services, shall permit each medical assistance



recipient approved for nursing home payments to retain from his monthly income [\$30] \$35 a month for his personal needs. If the net monthly income of such a recipient is less than [\$30] \$35 a month, the director shall provide sufficient old age assistance, aid to the permanently and totally disabled, or aid to the needy blind to allow the recipient an amount equal to [\$30] \$35 a month for his personal needs.

Amend all after section 2 with the following:

3 New Section; Shared Homes and Community Residences. Amend RSA 167 by inserting after section 27-a the following new section:

167:27-b Personal Needs Allowance of Residents in Shared Homes and Community Residences. Recipients of assistance who are approved by the division of human services for shared home or community residence payments shall be allowed to retain from their income an amount not less than \$35 per month for their personal needs, in accordance with rules adopted by the director of human services pursuant to RSA 541-A. This amount shall not be used to reimburse facilities for the cost of care.

4 Rulemaking. Amend RSA 167:3-c by inserting after paragraph IV the following new paragraph:

V. Personal needs allowance under RSA 167:27-b.

5 Effective Date. This act shall take effect July 1, 1987.

Amendment Adopted. Referred to Finance under Rule 24.

HB 326-FN-A, Establishing homemaker services for certain persons and making an appropriation therefor. Ought to Pass. Senator White for the Committee.

SENATOR WHITE: We have heard an awful lot of bills this session that deal with trying to make people stay closer to home and be less costly for state government. This is one of those bills. Basically, in the current budget, there is \$1.6 million dollars per year. Of that \$1.6 million, \$1.3 million is in federal funds. This bill, due to the decrease in the federal government share, that used to be 75% in 1985, which dropped to 55% in 1986. We have incurred a great waiting list, that is ever increasing, and we really need the money to support those people that wish to stay at home. It is the least costly way of keeping people out of the nursing home and in the homes where they really do belong. We urge you to support the bill.

Adopted. Referred to Finance under Rule 24.

Senator Freese and Senator Chandler were excused for the day.

HB 373-FN-A, Relative to family life education and making an appropriation therefor. Ought to Pass with Amendment. Senator Krasker for the Committee.

SENATOR KRASKER: HB 373 establishes a program of incentive grants to school districts and SAU's, to encourage the development of family life education curriculum for students in kindergarten through grade 12. We have amended the bill to provide that it is not an ongoing program, but will only be for the next biennium. It would appropriate \$68,000 to the department of education. The sponsors testified to the fact that this bill was a result of a bill in the last session that went to interim study. It was studied during the summer. I think they put about 80 hours of study into the bill, to try and come up with a package that really met the objections that were heard at the hearing in the last session. There was a great fear that there would be a mandate, or that the family's power would be usurped, in some way, a lessening of the ability to teach values to their own children. The bill provides one time grants which would help in training teachers within the department of education, help coordination program. It is permissive legislation only for small grants. No district is mandated to apply for these grants, although the health coordinator from the department of education, Kathleen Holt, said that their office gets two to three requests a week from school districts to provide some help in developing a family life education curriculum. The bill has a very essential ingredient, I think, and that is before any district can implement such a curriculum, it must develop a community advisory council which will be comprised of parents, teachers, students, school administrators, clergy, health care professionals, including school nurses and social services providers. With the school board, they would determine exactly if and what kind of subject matter would be taught in the school districts.

There is a terrible problem in this state, whether we recognize it or not, with teenage pregnancies. According to vital statistics there are about 1200 teenage pregnancies every single year. Over 600 of these girls are single, teenage girls. One school nurse provided testimony that in one district this year, from September until now, 14 girls have become pregnant. Four of them were freshman, four of them were sophomores, three of them had miscarriages because very young girls are so susceptible to miscarriage. They are not prepared physi-

cally to carry babies. There is a problem. This is one way that districts, if they choose, can take this step to deal with what is a very severe problem. We did not have a full committee hear this bill, so I can't tell you that the committee supported it.

SENATOR HOUNSELL: Senator Krasker, is it not the case that local communities now can choose to use a program that has been developed by this department of education in this state?

SENATOR KRASKER: Yes, that is correct.

SENATOR JOHNSON: Well, this is sort of a follow up to that, so really then, Senator Krasker, this legislation isn't really needed in order to, if a district chose to pursue the goals outlined in this bill, they could do that without this legislation, couldn't they?

SENATOR KRASKER: It was the feeling of the health coordinator that it was needed. She participated in the development of this. The New Hampshire school boards association testified in favor of this bill on behalf of the districts and said they did need it, that the health curriculum was not sufficient.

Senator Hounsell moved to substitute indefinitely postpone.

SENATOR HOUNSELL: As just stated by Senator Krasker, the communities across the state have this option now, to initiate the state developed programs, what is known here as family life education. They have that option now. This bill is not needed. I attended the hearing in the last session of the House, and I can assure you that a lot of people were concerned about the negative implications and the negative side of this bill. They were concerned, and I think rightly so, that this may open that door to the teaching of abortion as a choice in that they may further allow for the teaching of alternate lifestyle as a choice, and that it opens the door for all kinds of things that are considered by those groups that are for strong families as being anti-family. I know that Senator Krasker does not, herself, fall into that category. I don't believe that there is a great movement among the school teachers in this state, to teach alternate lifestyles or to promote the active choice of abortion. I do feel that it is our responsibility not to send a message to these people who have concerns, when a bill is not needed. I can't stress that enough. This bill is not needed. The communities have the choice right now to use a developed plan. This bill would send a very negative message at a time when it is very important that we, as an elected body, send a strong message that we are supportive of strong families. We have

heard two presidential candidates speak to us in joint session, one a Democrat, the Governor from Arizona, one a Conservative Republican, former General Secretary of State, both of them coming from philosophical differences and both of them touching upon the need to protect families. I think that this bill sends a bad message and I urge this body to support the motion of indefinite postponement.

SENATOR MCLANE: I join in strong opposition to the pending motion. I feel that this is a New Hampshire bill. It is a bill that is important to our schools and important to our young people. Senator Hounsell talks about families, but how can you create a family when the head of household is a thirteen year old girl. What, with our new child support laws, does it do for a fourteen year old boy to be saddled for the next 21 years with a court ordered family placed child support system. The world has changed. The need for medical education is great, there have been so many hours put into this bill and I believe that it is strongly needed in this state.

SENATOR HOUNSELL: Senator McLane, are you telling this body that the passage of this bill is going to eliminate teenage pregnancy?

SENATOR MCLANE: I am absolutely not saying this, but I am saying that the greatest danger to our young people today, is lack of knowledge. That self esteem and work on knowledge of their own selves and pride in their own selves are what is going to save young women from teenage pregnancy. The dangers that are involved with the lack of knowledge are so severe in this age of AIDS, that I believe strongly that a family life program is a necessity.

SENATOR DUPONT: Senator Hounsell, what is the exact nature of your concern in this issue?

SENATOR HOUNSELL: This bill is not needed as far as I can tell and as far as Senator Krasker has indicated. The school districts have the options now to establish this type of program that has been drawn up by the department of education. The appropriation becomes a further issue, I don't think that the money spread out over the state is going to help one iota. I think we are sending a bad message and that it is unnecessary legislation and I oppose it for that reason.

SENATOR DUPONT: My wife formerly taught home economics, which included a section on life and family. Is that the issue here or is this the expansion of that issue?

SENATOR HOUNSELL: No, this is not the issue, the issue is not whether or not we are going to teach reproduction, health and human development and those important issues. It is not the question of whether we don't want to teach those and provide that knowledge. It is a question of whether or not we want to send that message, to allow for the expansion of that, to allow the state to step in with families and local communities, as there have been doing for a number of years.

SENATOR ST. JEAN: Senator Krasker, could you tell me what is in this particular piece of legislation?

SENATOR KRASKER: This is a bill which was developed as a result of an interim study bill. It provides an appropriation of \$68,000 for a position, a health coordinator, and the remainder of the money will go in small grants to as many as ten districts, who ask for this assistance, in developing a curriculum. It is permissive, no community has to do it, a school board has to request it and only after the development of a community council, made up of different strata of the community, so that there is broad community support before it is implemented.

SENATOR ST. JEAN: This legislation no way forces local communities or schools to teach anything about sex education?

SENATOR KRASKER: It's permissive.

Division Vote:	12 Yeas	9 Nays
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Motion Adopted.

### SUSPENSION OF RULES

Senator Blaisdell moved that the Senate now suspend the rules of the Senate to introduce House bills not previously mentioned in the calendar.

Adopted.

HB 91, Establishing state liquor stores in the towns of Londonderry and Belmont and making an appropriation therefor. Ought To Pass. Senator Blaisdell for the Committee.

SENATOR BLAISDELL: The bill has passed the floor of the Senate today, Senate Finance looked at it, we are bringing it back up with no changes.



SENATOR JOHNSON: Is this the bill that included the Belmont store, also?

SENATOR BLAISDELL: Yes, Londonderry and Belmont. We did not touch the bill the way it came. It came down to Senate Finance and we brought it back up the same way, we did not touch anything.

CHAIR: Let the record show that it passed, amended with Belmont in it, 11 to 10.

SENATOR WHITE: Tomorrow, in Capital Budget, we will be dealing with the bill in regards to the Tilton-Laconia bypass. Previously, in this session, the Senate has killed a bill dealing with that bypass. This is very similar testimony that you heard before. I had hoped I didn't speak at that time because I hoped that Senate Finance would eliminate the Belmont store. When you look at the two stores that we already have in that area, you are only looking at a span of ten miles. I don't think that you really need three stores in a span of ten miles. I just regret that Senate Finance has seen the need for another store.

SENATOR BLAISDELL: Senator White, Senate Finance did not touch the bill. It passed it the same way that you people in this Senate brought it to me. I brought it back up with no changes. I don't want someone to say what Senate Finance did do or didn't do.

SENATOR WHITE: I just thought it might come out differently. I didn't speak to it the first time and I'm speaking against it this time, with the possibility that the question can be divided.

Senator Heath moved to divide the question.

SENATOR HEATH: When Senator Chandler was here, in his own testimony on behalf of the Belmont store, he said that some people want it. That is not a good reason to build a store. We have a captive business, the liquor business, and every time we subdivide that amount of business into one more store, it isn't driven by the market or isn't, in the fact, a service store. We have service stores in here because we are the only people in the liquor business, so that some people can buy liquor even if it's not a profitable store. This is neither. This is a few minutes from another store on a highway, that by Senator Chandler's own testimony, is going to be, if he has his way, and it's very likely the bypass will be put in to take business off this road. So, we are shooting ourselves financially in the foot to do it. If we build the store, we have to then populate the the store with em-

ployees. We are not going to sell any more liquor. We are just going to build more overhead into the amount of liquor that we sell. If we are going to be spending money here, that we have so far appropriated, then we should not to take the profitability out of the liquor store business because somebody wants one closer to their home, when they are eight minutes away from one that already exists. I would urge you, out of a sense of just fiscal responsibility, in terms of the monetary consideration about building an extra store, as well as a fiscal responsibility out of not building a store where we are going to put a bypass to take traffic away from it, to put this question aside. It can come up next year after the question of the bypass is then decided and after we find market studies that say that there will be new business created. There is no problem to get to the Laco-nia store and it is not a crowded store already. To drop another one right in that area is insanity, from a marketing point of view and from a legislative point of view. If we haven't yet decided the question of the bypass, I urge you to separate the question and to drop the Belmont store for the time being.

SENATOR CHARBONNEAU: I feel that we shouldn't separate and I know that there is a problem with it. But my feeling is this; Senator Chandler is not here and I think it is only Senatorial courtesy to give him the chance to either divide it or fight for it

SENATOR HEATH: Senator Charbonneau, I feel strong about Senatorial courtesy. If it were a leave because of sickness or because of a death in the family or something, I would certainly honor it, but we are all tired and we have all been here all day. I think, in absenting oneself at the end of the day for a purpose that is not a serious nature, then one takes one's chances.

SENATOR HOUGH: I oppose dividing the question. I sat in Senate Finance with Senators Blaisdell, McLane, Podles and others, and I have to tell you that at that point, my instincts were, perhaps, such that I couldn't support either one, but it was my understanding that the Senate had spoken on the question and I was made aware that Senator Chandler was not going to be in attendance when this question was brought back. After I had my verbal exchange with my chair, who I respect, but argue with repeatedly, he convinced me that, in fairness to Senator Chandler, you made your policy decision and he cannot defend his actions. I think when this body cannot extend that courtesy to one of our more senior and respected members, we are remiss. I would urge you to defeat the motion and support the committee report with respects of the judgement of this body earlier today.

SENATOR BLAISDELL: I guess Senator Hough said it well. Senator Chandler is not here and that is what I said downstairs in Finance. I just don't think it is the proper approach, it is Senatorial courtesy. Senator Chandler is almost 80 years old and I suppose he got tired of all the rhetoric that has gone on today and I will not be a part of something like this to the Senator.

SENATOR HOUNSELL: I would also note that Senator Freese, who supported this, has been excused. I think that they both have valid reasons to be excused. I do know that Senator Chandler has not been feeling well. I think that, regardless of that, he has been excused. I'd further say that, we didn't vote for this Belmont store today for the first time. We have passed the Senate bill, as Senator Chandler indicated earlier, it got lost somewhere. I think further, it is unfortunate for us to take advantage of a situation when a bill has gotten lost. I really think that we voted on this twice and after this body has voted twice on a bill, I think it is important that we continue to support that position. I do not support dividing the question, I do support the bill as Senate Finance committee recommends.

Motion lost.

Question: Ought to Pass.

Adopted. Ordered to Third Reading.

HB 193-FN-A, Relative to liquor store relocation and making an appropriation therefor. Ought To Pass. Senator Blaisdell for the Committee.

SENATOR BLAISDELL: This is another bill that was passed on the Senate floor today, that has to do with the relocating of the Sun-cook store to the Allenstown area. We have no opposition to it and Senate Finance agrees with what the Senate did.

Adopted. Ordered to Third Reading.

HB 276-FN-A, Relative to the tax on the transfer of real property. Ought To Pass. Senator Blaisdell for the Committee.

SENATOR BLAISDELL: This is the same bill we passed on the floor of the Senate. This is the real estate transfer tax. It moves it from 375 down to 3, we took it down to finance, looked at it and we agreed with the Senate position, we are bringing it back up the same way.

Adopted. Ordered to Third Reading.

HB 361-FN-A, Redefining references to the United States Internal Revenue Code for purposes of the business profits tax and relative to the rate of the business profits tax. Ought To Pass. Senator Blaisdell for the Committee.

SENATOR BLAISDELL: This is the business profits tax that the Senate passed today and sent down to Finance. We agree with the Senate position and ask your support.

Adopted. Ordered to Third Reading.

HB 319-FN-A, Making an appropriation for use in the prevention and treatment of alcohol and drug abuse and the rehabilitation of drug users and making an appropriation to the catastrophic illness fund. Ought To Pass with Amendment. Senator McLane for the Committee.

SENATOR MCLANE: This bill has been amended in Senate Finance to include \$1,000,000 in the first year of 1988 and \$1,000 000 in the second year of 1989 to go to the office of alcohol and drug abuse prevention, to be used for treatment and prevention of alcohol and drug abuse. This bill also contains \$25,000 in each of the two fiscal years to go for the catastrophic illness fund for cancer.

SENATOR PRESTON: Earlier in the day, we debated this bill at length. I certainly would respectfully request that the colleagues of a like mind vote against the amendment. I see nothing wrong with the original bill that would impose .05¢ per liter and .02¢ on different beverages. I think we should address the problem. I am not convinced there won't be games played when this gets in the committee of conference that will further reduce the monies. I would rather vote against this amendment now, let the bill go through and address the problem completely and let the Governor sign a bill that is going to say we are going to support this bill to address the drug and liquor.

SENATOR NELSON: Senator McLane, did I understand you to say that you have amended that bill for some other figure or some other project?

SENATOR MCLANE: The bill, as originally, came down as amended, of which you have before you. It contains \$25,000 in both years for the catastrophic illness program.

## Amendment to HB 319-FN-A

Amend the bill by replacing section 2 with the following:

2 Appropriation.

I. There is hereby appropriated the sum of \$1,000,000 for the fiscal year ending June 30, 1988, and the sum of \$1,000,000 for the fiscal year ending June 30, 1989, to the office of alcohol and drug abuse prevention. This appropriation shall be used only for alcohol and drug abuse education and prevention activities and for the treatment and rehabilitation of alcohol and drug abusers and shall be in addition to any other funds appropriated to the office for the biennium.

II. No more than 7.5 percent of this appropriation shall be expended for administrative costs of the office of alcohol and drug abuse prevention.

III. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Amendment Adopted. Ordered to Third Reading.

HB 348-FN, Relative to the division for children and youth services and appropriating funds for certain employee benefits. Ought to Pass with Amendment. Senator White for the Committee.

SENATOR WHITE: You will find the amendment on page 12 of the calendar. Basically what the amendment does is it strikes out the first four sections of the bill and it leaves in the last section which gives benefits to the director in the amount of \$3,000.

## Amendment to HB 348-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the superintendent of the Anna Philbrook  
Center and making an appropriation therefor.

Amend the bill by deleting sections 1-4 and renumbering sections 5-7 to read as 1,2,and3, respectively.

Amend the bill by replacing section 2 with the following:

2 Appropriation. The sum of \$3,000 is appropriated to the division for children and youth services for the biennium ending June 30, 1989 for the purpose of providing employee benefits pursuant to section 1 of this act.



Amendment Adopted.

Senator White moved to waive Rule 24 to Finance.

Adopted. Ordered to Third Reading

### ENROLLED BILLS REPORT

SB 28, Relative to naming an unnamed route between state Route 175 and U.S. Route 3, in the towns of Holderness and Plymouth, Route 175-A.

SB 74, Relative to the port authority.

SB 92, Relative to special elections for city and ward officers.

SB 97, Establishing a study committee relative to the feasibility of one-way tolls on part of the turnpike system.

SB 105, Relative to the central interagency motorpool study committee.

HB 114, Relative to sunset review of dental board and relative to continuing education and confidentiality of certain hearings by the dental board.

HB 120, Relative to sunset review of plumbers board.

HB 135, Relative to sunset review of the public utilities commission-administration and support.

HB 184, Relative to docking on public waters of the state.

HB 391, Creating a division of agricultural development in the department of agriculture using currently available funding and personnel.

HB 517, Relative to assessments for sewer rental charges.

HB 575, Relative to certification standards for laboratories.

HB 67, Relative urea-formaldehyde.

HB 73, Relative to falconry.

HB 79, Making a capital appropriation for Tip Top House.

HB 97, Appropriating funds to the department of agriculture for inspection of apiaries.

HB 116, Relative to sunset review of funeral directors and embalmers board.

HB 161, Relative to sunset review of the board of barbering and cosmetology.

HB 236, Relative to durable powers of attorney.

HB 393, Establishing the availability of the remedy of declaratory judgment to determine the coverage of a liability insurance policy in the federal district court.

HB 482, Relative to the charter of Wentworth-Douglass Hospital.

HB 609, Relative to the New Hampshire National Guard.

HB 640, Relative to motor vehicle license and registration fees, license plates and boat registrations.

SB 29, Relative to the appointment of a caretaker for the "Old Man of the Mountain".

SB 137, Relative to voting in state and presidential primary elections.

HB 250, Making an appropriation to the Conway village fire district, authorizing the Conway village fire district to issue bonds, and relative to funding waste water treatment systems.

HB 303, Relative to fees collected by the New Hampshire port authority.

HB 442, Extending certain temporary rulemaking authority of the commissioner of labor.

HB 526, Establishing a department of safety.

HB 644, Relative to zoning exemptions for certain utility structures.

HB 657, Relative to the investment of state trust funds.

## RESOLUTION

Senator Hounsell moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the bills ordered to third reading be read a third

time by this resolution and that all titles be the same as adopted and that they be passed at the present time; and that when we adjourn, we adjourn until Tuesday, May 5, 1987 at 11:00 a.m..

Adopted.

## LATE SESSION

### Third Reading and Final Passage

HB 24, To extend the deadline for the joint committee on recodification of the water laws to submit its report to the General Court.

HB 175-FN, Terminating the standardbred breeders and owners development agency.

HB 724, Relative to the transfer of 57 acres of Rye Harbor state park to the department of fish and game for wildlife management.

HB 144-FN, Relative to the sunset review of the department of resources and economic development - bureau of off-highway recreational vehicles

HB 155-FN, Relative to sunset review of the board of education - food nutrition.

HB 105-FN, Relative to sunset review of the Secretary of State — legislative services.

HB 204-FN, Requiring the supervisors of the checklist in the New England states to be notified when a voter is added to a checklist in New Hampshire.

HB 698-FN, Requiring accessible polling places and voting booths for physically disabled and elderly persons.

HB 122-FN, Relative to sunset review of board of psychologists.

HB 591, Relative to retention of state election ballots.

HB 683-FN, Relative to state employee benefits.

HB 163-FN, Relative to sunset review of boxing and wrestling commission.

HB 578-FN, Relative to unemployment compensation.

HB 693-FN, Relative to determining membership in the New Hampshire retirement system.

HB 264, Relative to the composition of the court accreditation commission.

HB 650-FN, Directing the supreme court to establish a guardian ad litem compensation fund and relative to retired superior court justices.

HB 90, An act relative to membership on the New Hampshire automated information systems board.

HB 186, An act relative to the appointment and terms of alternates for certain municipal offices.

HB 232-FN, An act relative to the homestead exemption for disabled veterans.

HB 284-FN-A, Making an appropriation for a conference on day care.

HB 339-FN-A, Relative to lead paint abatement.

HB 108-FN, An act relative to sunset review of the department of revenue administration - revenue collection, and relative to certain functions of the department of revenue administration.

HB 325-FN-A, An act relative to the distribution of sweepstakes revenues.

HB 363-FN-A, An act relative to estimated tax filing requirements under the bank, franchise, and interest and dividends taxes, and creating a division of automated information systems in the department of revenue administration.

HB 723-FN, Relative to licensing non-depository first mortgage bankers and brokers and relative to second mortgage home loans.

HB 379-FN, Relative to the retention of certain state-owned lands.

HB 437, Relative to motorboat and jet ski operation.

HB 660-FN, Relative to information services at highway rest areas and appropriating fees for these services.

HB 679-FN, Relative to buyers of farm products and distribution of funds to agricultural fairs, and making an appropriation to the secretary of state for a central indexing system for security interests in farm products.

HB 117-FN, Relative to sunset review of board of medicine.

HB 348-FN-A, Relative to the superintendent of the Anna Philbrook Center and making an appropriation therefor.

HB 701-FN, An act relative to the fee charged for copies of check-lists.

HB 718, An act clarifying certain planning and zoning statutes.

HB 717, An act relative to membership on planning boards.

HB 62, An act relative to establishing salaries of county officers.

HB 438, An act relative to applicants for armed security guard and armed private detective licenses.

HB 595, An act changing the time and place for holding the first meeting of the county convention.

HB 407-FN, An act amending the way in which the town of Londonderry shall collect its taxes for fiscal years 1987-1994.

HB 597-FN, An act relative to the residency requirement for the elderly, expanded elderly, and adjusted elderly property tax exemptions.

HB 107-FN, An act relative to sunset review of the department of revenue administration - community services.

HB 294-FN-A, An act exempting the sale of a manufactured housing park to a tenants' association from the real estate transfer tax and requiring a manufactured housing park owner to give notice to a tenants' association before selling the park.

HB 540-FN, An act relative to bingo and lucky 7 licenses.

HB 91-FN-A, Establishing state liquor stores in the towns of Londonderry and Belmont and making an appropriation therefor.

HB 193-FN-A, Relative to liquor store relocation and making an appropriation therefor.



HB 276-FN-A, Relative to the tax on the transfer or real property.

HB 361-FN-A, Redefining references to the United States Internal Revenue Code for purposes of the business profits tax and relative to the rate of the business profits tax.

HB 319-FN-A, Making an appropriation for use in the prevention and treatment of alcohol and drug abuse and the rehabilitation of drug users and making an appropriation to the catastrophic illness fund.

Adopted.

Senator Hounsell moved to adjourn until Tuesday, May 5, 1987 at 11:00 a.m.

Adopted.

Adjourned.

## *Tuesday, May 5, 1987*

Senate met at 11:00 a.m.

Senator Freese in the Chair.

A quorum was present.

Prayer was offered by the Reverend Dr. Vincent Fischer, Senate Chaplain.

Let Us Pray. Lord, we are just like the players on a football field. We have done some good, some bad and some mediocre, but now we are in the last quarter and we need some good planning to meet the needs and fill the bill! Help Us Lord.

Amen

Senator Bartlett led the Pledge of Allegiance.

### INTRODUCTION OF GUESTS

### NOTICE OF RECONSIDERATION

Senator Krasker served notice of reconsideration on HB 294.

HB 294, Exempting the sale of a manufactured housing park to a tenants' association from the real estate transfer tax and requiring a manufactured housing park owner to give notice to a tenants' association before selling the park.

### COMMITTEE REPORTS

HB 300-A, Making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1988 and June 30, 1989. Ought to Pass with Amendment. Senator Blaisdell for the Committee.

SENATOR BLAISDELL: Mr. President, members of the Senate, allow me to give you an overview of what the Finance Committee has prepared and presented to me. I'm sure you all know the State budget is constructed by programs appropriated units from PAU. With each PAU further consolidated into six categories, with each category representing a major program. Let's expedite our work on this major piece of legislation and further to provide time for the proper deliberation; I, the Senate Finance Chairman, assign subcommittee assignments of the Senate Finance Committee to each category. Therefore, after my brief and, I hope, informative introduction of the committee report, I'll ask Senator Dupont, Senator Torr and Senator St. Jean to address the details of category one and two; Senator Delahunty category three; Senator St. Jean for category four; Senators McLane and Podles for category five; and Senator Hough for category six. Allow me to get to the subject at hand directly at this time. The Senate Finance Committee, under my direction and concert with Senate leadership and further by each member's interest and dedication, is reporting an appropriation act amendment for your acceptance. An amendment which should, I hope, make every Senator in this body proud of the budget being presented today for your acceptance.

What you'll be asked to vote on is not the committee's budget, but an act that the committee truly believes is a good budget. It offers few frills, but is reflective of what we, the committee, believe is the Senate's position, and I emphasize that the Senate's position. Therefore, this is the budget, I believe, which truly considers the philosophies of this body.

Now, for the facts. The total appropriation act by fiscal year appropriates 1.3 billion for fiscal year 1988 and, 1.4 billion for fiscal year 1989 or 2.7 billion for the biennium ending June 30, 1989. This is an

increase of .3 billion over the biennium. The funding sources for this proposal before you is as follows: General Funds in 1988 is \$535.4 million, for fiscal year 1989 is \$562.6 million. Over the biennium that's 1 billion, 98 million. The Federal Funds for fiscal year 1988 is \$316.6 million, fiscal year 1989 is \$302.9 million for the biennium total of \$619.5. Highway Funds for 1988 is \$142.5 million and for fiscal year 1989 \$145.1 million for a biennium total of \$287.6. Fish and Game Fund for 1988 is \$5.2 million and Fish and Game Funds for 1989 is \$5.6 or 10.8 million. From other funds, fiscal year 1988 is \$317.0 million and for fiscal year 1989 \$333.8 million for a total of \$650.8 million. The General Fund surplus at the end of the biennium is estimated at 18.2 million. This is after we have provided for all legislation that has currently passed one body or has been enacted into law. It should be noted however, that SB 1, the land trust program, is considered in this report with an appropriation amount of \$1.00, that is the current appropriation status of that Senate bill. The revenue estimate this budget is built on considers \$519.0 million for fiscal year 1987 and \$529.2 million for fiscal year 1988 and \$546.2 million for fiscal year 1989. Special note concerning the 1988 and 1989 Real Estate Transfer Tax Revenue is estimated at the \$3.00 level. That is my brief report and, as I told you, I will now assign the categories; category one Senator Torr will give the report of the Senate Finance Committee on General Government.

SENATOR TORR: If you would take and turn to the amendment to HB 300, you'll be able to follow along on my commentary. On page one, category 91, data processing we added \$500,000 for a legislative request. In category 92, cleaning, this is for the cleaning of the facilities during the day time of both the LOB, the State House and the Annex. On page two, the Governor's Office we deleted equipment, part-time personnel and a vehicle. We felt there were sufficient funds in there that could be moved around to address the issues. Page 3, we decreased in category 91, Office of State Planning, \$50,000 each year. Under radioactive waste, category 90, we deleted \$20,000 each year. Page 4, Coastal Zone Management, category 90, we deleted \$25,000 each year. Page 5, Executive Council, category 50, decrease the pay raise, eliminated the part-time person. Commission on the Handicap, category 10, eliminated a position. Page 6, Indigent Defenders, category 90, assign counsel, reduced by \$462,500. Page 7, continuation of indigent defenders, reduced category 90 by \$612,541 in the first year, reduced it in the second year, \$866. Category 92 reduced by \$290,000 only in 1988. You will note that in section 19 we have added a new section and this is a committee to study the indigent defender program. We feel that it's a run

away program at this point and needs to be addressed. That committee is formulated of five members made up of two House members, two Senate members and an appointee by the Governor. Also on that page, we struck out the footnote. Page 8, we deleted computer equipment. This is another program that's being in a category what we call runaway. There doesn't seem to be a design as to what's going to occur in the future and we feel that there needs to be some attention drawn to this and straighten out the process. Page 9, category 92 under the Administrative Services we deleted the Honeywell upgrade. Under the Bureau of Financial Services we deleted category 90. Page 10, under Agency Revenues, we deleted a \$50,000 transfer in 09. Under Personnel Administrative Support, we deleted personnel of 7 positions. Page 11, we deleted \$400,000 out of class 93. Personnel Administrative Support and Purchasing Administration, we deleted three personnel. Page 12, Telecommunications we deleted three personnel and also deleted the consultant of \$30,000 a year. On page 13 a correction of a technical error; there's duplication of Governor Governor indicated. On page 14 added Fiscal Committee. On page 15 we simply added footnote "g". Page 16, same occurrence again at three occasions, added footnote "g". Page 17, under the Central Library Services we deleted a position. Page 18, reduced debt service in 1988, this is under the Special General Fund Distribution, by a million dollars and 1.5 million in the second year. Page 19, reduced the Revenue Share and gave back to the communities \$5 million each year. Added a new section 18, lapsed to the highway fund. This is a reflectorized plate fund which there are two funds at present. This is the old fund and added section 20, limitation to leases. That's the conclusion of my presentation.

SENATOR BLAISDELL: If you don't mind, we'd like to go through all the categories and have the Senators write down their questions that they'll be asking in each category and I might add to what Senator Torr just reported to you; those were all new positions that were deleted. These were not positions that are there now. We want that to be understood.

SENATOR DUPONT: Section two starts on page 20. We reduced by two positions, secretary one facility's manager and related expenses. This is in the Judicial Branch Supreme Court. The second section we reduced two positions, court assistants one and related expenses. Line 52 we changed the description from "masters" to "marital masters" and in line 52 we reduced the salary of the masters by \$100,000 each year, to reflect a reduction from 8 marital masters to 6. Page 21 we added class 94 which is a reimbursement to local counties, two



counties for the use of sheriffs as bailiffs. We also deleted class 90, the additional benefits for the masters that we reduced from 8 to 6. On the court security, there was a whole PAU court security which was taken out and from that we transferred over the \$468,000. On page 22, we reduced by two new positions in the Superior Court Branch, an assistant one and an account clerk one and the related expenses. Class 93, Court Computerization, we reduced by \$50,000 each year. Page 23, line 92, we deleted computerization of \$100,000 each year. Class 90 we reduced by \$50,000, fiscal year 1988 and we deleted a footnote for a consultant to study the Law Library. Page 24 we deleted PAU 2 1-8, which was the Court's Security and we transferred from that the monies for the sheriffs reimbursement to a previous PAU. Page 25, the only change is we inserted footnote "g". Page 26, we inserted footnote "g" and also increased the distribution to the agricultural fairs by \$25,000 each year. Under the Administration of Justice and Public Protection, Attorney General's Office, we reduced one new position, a reproduction equipment operator, and related expenses. That would be under class 10. Page 27, we reduced class 96 in fiscal year 1988 by \$20,000. That relates to renovations in the Attorney General's office. On page 28, we eliminated one new position, a paralegal position, in fiscal year 1989 and the related expenses. Page 29, we reduced by two new positions, a paralegal and an administrative assistant, Attorney General in fiscal year 1989, and the related expenses. There was a technical correction in the footnote. Page 30, we reduced by one new position, an assistant attorney general and the related expenses, under Civil Law Division. Page 31, under the Transportation Division of the Attorney General, we reduced by two new positions, a paralegal and a stenographer and the related expenses. We also eliminated in class 13 one new position, an assistant attorney general's position, and the related expenses. On page 32, we deleted a footnote and took out one new position. On page 33, under the Bank Commission, Small Loan and Vehicle Finance, we increased by two new positions, an examiner and a secretary, and related expenses. This deals with a creation of regulation under mortgage companies, which we presently don't have in the State. HB 723 created a provision in his office that will regulate mortgage companies and we had to obviously give him the staff to do so, so we added in an examiner and one secretarial position. Also, a technical correction on a source of funds which was requested by the Banking Commissioner.

Page 34, under the Regulatory Boards and Commissions, we deleted the Chiropractic Examiners Board PAU completely. No editorial comment on that! Under the Commission on the Status of Women,



we increased the class 10 to upgrade the position of the Executive Director. She presently is listed as Administrative Assistant and it was felt by the Finance Committee that she's really doing the work of an Executive Director, so we took care of that by increasing her salary. Under the Commission of the Status of Women, page 35, we increased the travel allowance for in-state travel to reflect what she really needs to operate, which amounted to a change of a \$1,000 in fiscal year 1988 and \$2,000 in fiscal year 1989. Under the Pari-Mutuel Commission, we increased Class 20 due to a rental increase of office facilities, and also increased Class 50, which is a result of a change in HB 299 which increased \$21,500 each year, which is a new position. Page 36, under the Racing Laboratory, we reduced Class 90 which is Educational Training by \$3,000 each year. Page 37, under the Insurance Department Securities Division, we increased that by \$534,000 the first year and \$537,000 the second year, which basically gives him the ability to regulate the securities in the state and there have been a number of significant cases. The long time being one where the State has found itself in the position of not having the resources to properly protect the public and this will also, hopefully, create some additional monies for the state, but not insured. He needs the staff to handle the regulation and basically that's what these 12 positions do. On page 38, under the Liquor Commission, Class 10, we deleted two positions which were inspectors and added the footnote abolishing two vacant positions in the department. Page 39, under Data Processing, we decreased out-of-state travel by \$6450 both years. Also under liquor, PAU dealing with the stores, half way down the page, we inserted footnote "g". Class 46 deleted consultants by \$65,000 for each year. On the next page, the only change is, we inserted footnote "g" under the Warehouse PAU. On page 41, Class 30 under Gas Pipeline Carriers, we eliminated the equipment in both years. We deleted the out-of-state travel provision and added a Class 91, which is a training program for gas pipeline carriers.

The next section we'll deal with is the Department of Safety, which is at the bottom of the page. Class 48, Maintenance of Buildings and Grounds, we reduced by \$35,000 in fiscal year 1988. Page 42 we added footnote "g" to the first section, we reduced by three new positions and the data processing unit totals \$77,000 the first year and \$79,000 the second year. That deals with their data processing and, as Senator Torr indicated earlier, Finance gave close scrutiny to all the monies in the budget for computer related items and positions and we felt these were justified. Class 29, under the Data Processing portion of their budget we reduced the transfer to information services by \$50,000 each year. Page 43, there is a techni-

cal change on Class 96, changing the name of that from Data Processing Rent and Lease to Data Base Conversion, which basically reflects what the money is actually being used for. Under the Safety Inspectors, we reduced their PAU by two new positions so that took out \$49,000 in 1988 and \$54,000 in 1989. Page 44, technical correction adjusted a source of funds and inserted footnote "g" under Safety Inspectors. Foot note "g" is under Central Maintenance and under Emission Control Unit this is a new PAU with three new positions dealing with the emissions program in the southern portion of the State. It added \$132,000 in the first year and \$133,000 in the second year. On page 45, under Financial Responsibility, we reduced that by one new position, counter clerk two, and the related expenses for a decrease of \$16,000 each year. Page 46, no changes. Page 47, under the Program on Fire Safety, we reduced that by one new position and related expenses, \$41,000 the first year and \$34,000 the second year, and also, reduced Class 30 equipment by \$45,000, which was a computer system. Page 48, Division of State Police communication section, we reduced by two new positions, both assistant communications specialists, and related expenses, \$162 the first year and \$113 the second year. Page 49, Division of State Police, Traffic Bureau, we reduced that by 15 new positions, which are troopers, and related expenses, \$745,000 the first year and \$524,000 the second year. The difference being the reduction in equipment, which will be purchased in the first year.

Page 50, under the Bureau of Security Corrections. This starts the Corrections portion of our budget. We reduced Class 50 back to the 1987 adjusted authorization for other personnel services. Page 51, under the Bureau of Programs and Services Administration, middle of the page, Class 20 current expenses to zero and we added a Class 91, which deals with incarcerated veterans, \$3300 for fiscal year 1988. Page 52, the only change was we inserted footnote "g". We also changed a footnote that mandates, basically, that they will purchase their pharmaceuticals through the State Hospital. The language in the original footnote let us to believe that if they can't reach an agreement then it would provide for purchase of pharmaceuticals in a manner that wasn't at the best interest to the State, so we inserted a footnote that basically gives them our direction in terms of purchasing pharmaceuticals at the lowest cost. That's the only change on page 53. Page 54, Judicial Council, we increased the salary of the Executive Director however, there is a decrease in there, because we did not increase to the level that the Judicial Council wanted. We also decreased their equipment line to reflect the purchase of a printer for their computer system. However, that is also a decrease,

due to the fact that their request for a printer was not in line with what we felt they ought to have. Under the Human Rights Commission we reduced it by three new positions, a secretary, two investigators and the related expenses, that's in the middle of the page, Human Rights Commission Enforcement. That's a \$70,000 reduction the first year, \$73,000 I believe, the second year. Page 55, no changes. And that ends my section of the budget.

SENATOR BLAISDELL: Under Resource Protection and Development, Senator Delahuntz will explain what very few things we did in this section and Senator St. Jean will take Transportation.

SENATOR DELAHUNTY: On page 56, the new footnote creates a fund up to \$500,000 which shall be expended for the completion of the new Concord Headquarter Facility. The rest of the page reflects the Senate amendment which reverses the House position for regional offices and places the appropriation needs for the Durham and Lancaster offices back to the office of the director. On page 57, Class 10, Clerical Services will have one new stock clerk and added footnote "g" at the bottom. On page 58, division known is not required. These changes reflect the reversal of the regional offices. On page 59 the same applies and on page 60 Class 10, again, one new position, which is a secretary-typist. Class 19, over holiday is overtime. On page 61, those changes also reflect the reversal of the regional offices. On page 62, that's the reversal of the regional offices again and on page 63 the reversal of the regional offices except that we did add three new conservation officers for fiscal year 1988 and one new conservation officer in fiscal year 1989 with attended costs. Also in Class 19, overtime and holiday, we increased overtime as a result of a Garcia decision. On page 64, the unit applies to the reversal of the regional offices, and also the source of funds changed from the General Fund to the Fish and Game Fund for \$40,000 each year. We also added one new conservation officer in fiscal year 1988 and two in fiscal year 1989 with attended cost on the District 6 on the seacoast. On page 65, the transfer of accounts that were invested to fund the new position for education and training. On page 66, one new position, the education program coordinator. On page 67, that's the reversal of regional offices. The same on pages 68 through 71. On page 72, we inserted footnote "g" and at the bottom of the page we deleted new program, State Economic Study, in the amount of \$20,000. On page 73 we deleted programs information officer. We deleted the industrial agent at large trainee and attended cost. On page 74, we deleted the footnote regarding the industrial agent. We deleted two new positions at the bottom of the page, State Park

Promotional Assistant and a secretary-typist two. On page 75, no changes. On page 76, we deleted the Park Naturalist. Class 93, the Hampton Solid Waste Study, we inserted the new class line and we deleted Class 95 as administrative section of HB 300. At the bottom of the page, we deleted the Mountain Equipment operator. That concludes category three.

SENATOR ST. JEAN: Transportation begins on the bottom part of page 89. The Transportation Department requested 157 new positions. Of the 157 new positions, 45 were taken out of this budget; 63 were left in the turnpike division, which are funded through user fees, and 49 of those were left throughout the Transportation Department. The way we cut these positions were on the lowest priority, meaning what they wanted we started at the bottom and cut on up. These positions that were taken out will be reflected throughout the Transportation Budget. Page 90, Class 10, we deleted five positions there. The five include an informational representative, audiovisual tech., administrative one, and project manager. Class 30, we cut equipment. We reduced the equipment by \$75,000 in 1988 and \$126,000 in 1989. Class 46, consultants, we cut \$50,000 out of the consultants, and also, \$60,770 in 1989. What our feeling was on the equipment cuts were that if they truly needed equipment, they could transfer into that class line and get what they wanted from other lines within their budget. Page 91, Class 10 we deleted an accountant three and an accountant one. On the bottom of page 91, we deleted Class 10 again, word processor one and an administrative assistant two. Page 92, Class 10, three quarters of the way down the page, we deleted an account clerk three and a training supervisor. Page 93, Class 10, we deleted six positions; two computer systems tech. two, one tech. specialists three, an engineer tech. five, an administrative assistant one, and a group leader one. Down to Class 30, Equipment, we reduced it by \$141,000 in 1988 and \$41,000 in 1989. A lot of that equipment that we reduced was computer costs and as Senator Dupont and Senator Torr have mentioned, we took a good hard look at computers throughout the budget. They were sprinkled here, there and everywhere and included in that, were a number of highly paid consultants throughout the budget. Page 94, Class 10, we deleted in 1989 only a civil engineer five. Page 95, Class 10 again, we deleted nine more positions. Three engineering tech. fours, a secretary-typists one, a pipe fitter foreman, three highway maintenance people and a clerk two. Page 96, Class 10, three highway maintenance positions two. Down the bottom of page 96, Class 10 again, we deleted five positions; Two heavy equipment mechanics, one word processor, one highway maintenance two, one trade



helper. Page 97 is the fleet equipment. Class 30, this is the big number here and we looked at that and we found that in Class 30 their request was identical for 1988 and 1989. We went through the laundry list of things that they wanted and we felt that there was a lot of fat in there. In the first year we cut three quarters of a million dollars and added a footnote. We reduced Class 50 in 1989 to the same level of spending. What we did with the footnote is require that any time they want to go over their budget, they have to come to the Capital Budget Oversight Committee and submit a plan to explain to us why they've gone over their budget and what they intend to purchase. We felt that for the Transportation Department, legislative oversight was really quite important.

Page 98, Class 10, we deleted a word processor one. Page 99, Class 10 again, we deleted a right-of-way agent. Down three quarters of the way through page 99, Class 90, the Lilac Program which is \$50,000. It was the view of myself and a few other members of the committee that currently the Transportation Department is putting grass and various other things along the highways and if they wanted to put more money into that class line, it could certainly do that and increase the expenditure from \$50,000 on upwards if they wanted to do that. We certainly felt that if they felt it was wise, we'd allow the Transportation Department to do that. Page 100, Class 10, we're deleting four positions; two engineer tech. five and two engineer tech. four. Page 101, Class 10, deletes a civil engineer. Half way through the page, under Transportation Department, what that is is the federal matching fund program. What we did was, and this is the first time the Senate has done that, we adjusted it to the federal allocation to New Hampshire from the passage of the Federal Transportation Act. What you're going to see there, from page 101 to 108, on that Class 9, that will be reflected, those new numbers have been plugged in there. So, as you go through, 102 you look at Class 9 you'll see matching funds. Same thing for 103, 104, 105, all the way to 108. On page 109, Class 10 again, we're deleting three positions; a word processor, an administrative and an administrative assistant. Down the bottom there's a footnote. We don't need that footnote because we eliminated the positions they refer to. Page 110, Class 10 again, we added an airport facilities tech. and a word processor one for the aeronautics commission. Page 111, we added a new class line and a footnote. We added \$39,800 for equipment in fiscal year 1988. As we go down, Class 92 we added \$3,000 of that, which would keep the rental reimbursement for aircraft at the same level. In Class 95, we added \$7,000 in 1988 for plowing, and also, maintenance for ramps of the airport. We inserted Class 97 which is \$100,000, it's a new pro-



gram dealing with rural airports. Page 113, about a quarter of the way down, it's adjusted to reflect the 9010 match in 5% State and 5% local. That's the source of funding. On page 114 half way down, Class 90, it's adjustments resulting from changes that were made in category two. Page 115 is the same way, half way down in Class 49; it's changes made in category two. Same thing with page 116, half way down, it's the changes they made in the other category. Page 117, Class 10, it's adjustments made from category two. This footnote here, which adds two new toll collectors to the Spaulding Turnpike, is; expansion of personnel shall be subject to the relocation of the toll booths near exit 6 and 11 on the Spaulding Turnpike. Page 118, we inserted footnote "g" which is the non-lapsing footnote to Class 48. That's my presentation on Transportation. We cut from the budget \$444,528 in 1988 and in 1989 we cut \$5,274,018.

SENATOR MCLANE: Page 119 is where Health and Social Services really begins and that is where we have added a million dollars in each year as a compromise solution to HB 319 where we took out the dedicated revenue. We've also restored the transfer from highway funds in the second year. On page 121, we have deleted the Chief Medical Examiners three positions and his equipment and that was because we did not build the medical examiners lab. So, there is a class line title change there also on that page. On page 122, we funded a program for home care for medically at risk children. That was a program having to do with premature babies on a State-wide level and trying to get them to be able to go home. On page 123, we rearranged some federal money there, but there was no expenditure change and we reduced, at the bottom of the page, the family planning grants that the House had put in by \$300,000 in each year. On page 124, we eliminated the six positions and the associated costs of the environmental toxicologist and the asbestos abatement program all within the Division of Public Health Services. On page 125, we inserted a footnote as we did in several other places, having to do with the maximum amount of federal money that we could receive. On page 126, we funded one more child abuse grant than the House had for \$15,000 in the first year. At the bottom of that page, we reduced the appropriation for the court order placement because we put it in in Philbrook on another page, which is the next page.

SENATOR PODLES: On page 127, Class 90, we reduced the diversion incentives \$200,000 each year and that's a program that keeps the children out of the juvenile courts. On page 128, we added a footnote; there's no change in dollars. At the bottom, Class 10, we added a new residential program at Philbrook Center and that's for

David Bundy and that includes the next four pages; 1.5 million. On page 133, on the bottom of the page, Class 49, we reduced the marital masters from 8 to 6. On page 134 is Class 90, we added two footnotes there. Also the AFDC shelter and the funding for shelter, it also includes HB 370, which is the employment opportunity act and that's \$228. It's the same as the House had, there was no change. On page 135, there are two footnotes there. Class 90, the medicaid and that's to AFDC and also includes HB 370. At the bottom of the page, it changes the county portion of a non federal share from 50% to 61.5%. There's also a correction in the federal funding. There's no General Funding change. On page 136, Class 93, it reduces the day care by \$500,000 in the first year and a million dollars the second year and that's 1.5 million for both years. Page 137 is mental health and that was reduced by 4.1 million. That's the short term housing program, long term housing program, respite care, and also includes the street people, which is the homeless people. Page 138, Class 92 it deletes the funds to advertise for nurses. Page 139 provides additional services to the Philbrook Center for new residential programs for David Bundy, additional housekeepers. Page 140, there's no change in dollars and also page 141. On page 142, it deletes one position from the Dental Board and that is a savings to the General Fund of \$30,000. On page 144, it adds one position. There is no General Fund change and the category was reduced by \$13.8 million.

SENATOR HOUGH: Page 145, the change was a roll back from the House position on the New Hampshire Incentive Grant program. Our figure is \$800,000. Page 146, was a change in federal funds that we were advised of by the department and made that correction. As you go along there will be a lot of changes having to do with moving the vocational-rehabilitation section out of the Education Departments Buildings to a new location on the Heights. That just reflects that movement. Also on page 147, you'll see mentioned that we have added a new section in the back of the budget and that section is the special initiative program, wherein, we maintain the House position of \$250,000 for the Christa McAuliffe. We added what the House had stricken out in regard to the existing special initiative and we added also, a new area under special initiatives, which is the leadership component. On page 148, the funding is no different. The Governor had one line; the House segregated it. We went back to the Governor's position with the exception of one area at the request of the department to identify the pastoral federal support. On page 149, school building aid, our position is similar to the funding level that the Governor had in January. However, between January and March the demand increased by a million and a half. From March to date it

had further increased by another million and a half. Our position was to take the very best, last available figures and then take and adjust our level to 75% of that so we can identify exactly where we are in the demands for school building aid and we'll have to address a final figure on that in the conference, but that area is moving on a daily basis. Page 150 is the catastrophic aid and we'll have an Education bill later in the day with an amendment by the committee, that accomplishes what has been going on with all parties involved since January. Senator Disnard has worked very hard with this, on catastrophic aid. We are going to amend the statutes to have a threshold, if you will, of 3 1/2 times the most recent statewide per pupil cost and we're going to amend the statute accordingly. This figure will have to be firmed up again when we have better information as regards to our most recent cost in that area. Page 151, Department of Education, we removed a computer, the personnel and related costs from the voc-techs. As you go through 152, we added footnotes "e" and "d". Page 153 added the fiscal approval on the existing footnote for the voc-techs. On 154, we allowed a night program to be brought on line at the Manchester school and funded by the tuition. Page 155, footnotes "d" and "e" were added. On page 156, the same. Page 157 added fiscal approval. Page 158 added footnotes, 159 added footnotes and we have removed the program for pulp and paper at the Berlin school, but that is under ongoing negotiations. Page 160 added footnotes "e" and "d", likewise on 161 and 162. We added fiscal approval on 163 and added footnote "e". On page 164 we added "d". On page 165, added footnotes "d", "e" and "g". We added fiscal approval and footnote "e". You can follow along on page 166, we finally on page 167 we corrected the title of the PAU and that's it. Now, just as I complete my remarks in regards to all of these footnotes, the House position had deleted many of them and the Senate's position was that we would reinsert those footnotes in the areas that we had noted that they had been deleted to be consistent with the act as it had been previously and to affirm legislative oversight and to affirm the position of the legislature relative to transfers. That's why you see so many of them there. It was a policy position and the Senate's position is to stick with tradition as opposed to allow for greater flexibility in the agency. Thank you, Mr. Chairman.

SENATOR BLAISDELL: Before we get into answering questions, Senator St. Jean, would you please correct a little bit of a glitch in the aeronautics, Senate Finance is going to be in trouble if you don't do this.

SENATOR ST. JEAN: It was brought to my attention by Dick Duclos of the LBA that only half the footnote got into the amendment. It's on the bottom of page 112. It should read, "the aeronautics commission shall report quarterly to the Capital Oversight Committee, the status of all federal, local airport projects within this appropriation for fiscal year 1988. 50% of the State matching funds shall be allocated in the amount of \$25,000 to the City of Manchester and \$25,000 to the City of Lebanon for the match for their first priority projects and for fiscal year 1989, 50% of the State matching funds shall be allocated in the amount of \$25,000 to the City of Nashua and \$25,000 to the City of Keene to match their first priority projects."

SENATOR HEATH: On page 125, it is said "footnote incomplete as well".

SENATOR BLAISDELL: Before I get on to questions Mr. President, I'd like to make a brief statement and that should be: if you want to compare this budget with the House and the Governor's it is this: the Governor's recommendation in 1988 was for a total of \$539,253,000, the House position was \$559,000,063 and the Senate Finance recommendation is \$535,381,000, which is below the Governor's recommendation. When we get to 1989, the Governor's recommendation was \$559,308,000, the House position was \$586,675,000 and the Senate Finance Committee's amendment is \$562,575,000, which is all General Funds. Now, Mr. President you can direct the questions to the categories if they would like and we would be very glad to try and answer them. I would say that, as I stated in my brief remarks, the committee believes this is a Senate position and we told you we would have one. We feel it is a budget which truly considers the philosophies of this body and with that, I will leave it open to questions and whatever categories people would like to discuss.

SENATOR KRASKER: It's in category five and I think I would direct my questions to Senator Podles. Senator Podles, I notice that in the budget you have eliminated the community mental health system which was supposed to be in place when we built the central facility. A number of years ago, when we restructured our mental health system, we were to provide for three systems of care and a very necessary component of that is the community system. I would ask you please, what the rationale was for eliminating what I consider to be a very necessary component that accompanies the construction of the new centralized facility and why we're eliminating all of these services which were requested for the next two years?



SENATOR PODLES: Senator Krasker, the House made these additions over the Governor's budget. We did cut out the pay raise and an eight bed residential facility in the south western part of New Hampshire and an eight bed in the Portsmouth/Rochester area also. That had to come out.

SENATOR MCLANE: If I could add to that; the pay raise is the one thing that we did put in. There were five programs that the House added to the mental health budget and the one that we did add was the one that brought the pay for the direct care workers up from \$3.25 or such up to what they pay at McDonald's which is \$5.50. That was the one increase that we made to go along with the House.

SENATOR KRASKER: What you have eliminated, if I'm correct, is the shelter for the people who are going to be discharged from the centralized facility or who won't be admitted to the facility because of the number of beds.

SENATOR MCLANE: I don't believe that that's exactly the program. The programs that we eliminated, New Hampshire does nothing for the homeless now. This is a local problem and a local city problem. We did not take on, as a State responsibility, the homeless and those are the first two programs that the House passed that we did not pass. The second part had to do with developmentally disabled kids who were over 21 and had been in schooling out-of-state that came back into the State. That was 16 beds and we did not vote for that program either. So, those were the two programs that the House added. Both of them new programs and those we did not vote for.

SENATOR KRASKER: Just a comment, I would hope that in the Committee of Conference this would be one of the areas that would be addressed.

SENATOR MCLANE: I think that we worked very hard, that was very late into the evening. Don Shumway was there and obviously he was not happy with it. But as I said, these were both two new programs and we have added no new programs.

SENATOR DISNARD: Senator Dupont, section two. Would you please help me. What does this budget include for an increase of per square foot rental for a liquor store?

SENATOR DUPONT: The new rate for the liquor stores, Senator, will be \$4.00 per square foot in the first year and \$4.50 the second year.



SENATOR DISNARD: What was the rationale for eliminating on page 49, 15 positions for the State police?

SENATOR DUPONT: Senator, there was 27 new positions for the State police in the budget. Basically, we ended up with a figure of 12 State troopers in the budget and, in addition to that, fiscal at the end of last year approved 8 new positions for a net gain of a realistic figure of 20 State troopers. We felt it was a substantial increase.

SENATOR PRESSLY: I would like to ask some questions concerning the State revenue sharing. I understand it's going to be diminished. I would like to know exactly by how much, what formula has been used and which cities and towns should be prepared to have a diminished amount of revenue?

SENATOR DUPONT: First off, Senator Pressly, we didn't decrease the amounts of money that they received. In this budget is the amount they received last year and the year before and I believe in the last three budgets, so the issue here is that we're not taking any money back, away from the communities with this amendment. We're giving them the same amount that they received last year. You have to look at the whole budget in other areas, where a tremendous amount of areas will directly benefit the communities. The House put in \$5 million of each year in direct revenue sharing and it was that \$5 million per year that we took out.

SENATOR PRESSLY: Senator Dupont, can you assure me that I will not receive a telephone call from the administration of the towns that I represent that the amount of money that they have normally received from the State is not there in the next budget?

SENATOR DUPONT: The amount of money that they have received in previous years is there. There's no question about that. We're refunding that revenue sharing line item. They will receive the same money funded as last year. The reduction is the additional amount of money that the House put into that account. The Senate took that out.

SENATOR WHITE: I have several questions. I'll start with category one and Senator Torr.

In regards to the various computer programs that we started on page 8 of the report, I wonder if you could explain the various decreases that we have that basically eliminates the computer programs. There's one million eliminated in one part and \$395,000

basically on page 8. Have we left anything in administrative services and the integrated financial system? Is there anything left to even pay for the rental equipment?

SENATOR TORR: There's money left in there. As I explained in my presentation, we, and when I say we, I mean the subcommittee, in dealing with the computer problem within the State of New Hampshire, we found it in a state of disarray. That's the basis on which we did our cutting. There is money left in the integrated financial system. There's also money relative to some rental fees. As far as expansion of the programs, we had great concerns until there was some direction given by those persons involved before we approved monies for those additions.

SENATOR WHITE: Do you suppose that perhaps what should have been done was the reinstitution of the equipment control committee that we had back in 1983? Perhaps somewhere you should have instituted a new footnote so it would have gone to the equipment control committee?

SENATOR TORR: We didn't do that, but we did do another step that may have corrected it. Any leases that may be desired prior to entering into them, they have to get approval and that's on the amount of \$10,000. Not only in this present biennium, but those leases that would extend beyond the limitations of a biennium. They need approval prior to entering into them. That does not occur at this time.

SENATOR WHITE: Several places throughout the budget you have added footnote "g" which is the prior approval of the fiscal committee dealing with all the maintenance contracts. Do you intend that there'll be one maintenance contract?

SENATOR TORR: Our concern was on the volume of dollars being expended on maintenance contracts and we felt there needed to be a handle on it by the legislative body. This is a means of controlling that expenditure.

SENATOR WHITE: On the very first page, we have put in for ourselves, even though we have eliminated everyone else's data processing, we have put in \$500,000 for the General Court. I wondered what that covers.

SENATOR TORR: Senator White, don't you always believe that you should take care of yourself prior to taking care of everybody else.

SENATOR WHITE: No.

SENATOR TORR: But to be truthful with it, that was a request by the Joint Legislative Committee to update their word processing system within the legislative branch of the government.

SENATOR WHITE: All right, because we just put in \$200,000 in the last biennium.

SENATOR BARTLETT: Not too long ago we took a complete look at both the House and Senate and Legislative Services and the Legislative Budget to try to put the computer system together. It was our first move. We went to the Governor's office and Administrative Services to see if they would allow us to tie in to the mainframe. They told us that they felt the separation of government would not allow that. We went back and talked to Wang. As you know now, that the House and Senate can't talk too well together. The Senate's done pretty well as it can talk to, through the computer, Legislative Services and stuff like that. The \$500,000 is going to try to bring an integrated service between Legislative Services, Legislative Budget, the House and the Senate, so that we can complete our work with a minimum amount of effort and keep each body informed at least in part. I don't know if you were aware of it or not, but Legislative Services has almost kept the entire statute on computer. That would make that available to our office and it would make it available to the House. This is what we're trying to put together. This looks like a lot of money. It is a lot of money. We feel we could have saved a couple hundred thousand dollars had we been able to go over in the DIS section, but that was not allowed so we have to go on our own. I guess probably, the end result would be good except that all of those things in statute are not going to be ready available to the other parts of the government.

SENATOR TORR: You indicated that on footnote "g" that it's a fiscal committee oversight. That really isn't true. It makes them stay within that PAU, it restricts them to that PAU.

SENATOR WHITE: So there isn't any oversight?

SENATOR TORR: No, it's limited strictly to that PAU on moving around. It's a control basically.

SENATOR WHITE: On page one, right under the \$500,000, you have \$50,000 which you indicated was cleaning service. I wonder if you could explain that.

SENATOR TORR: Yes, Senator White. You may be aware of the fact, that our cleaning contract on our buildings has another year to go. You may also be aware of the fact, that our lavatories are in a filthy condition during the day time and this is a means of correcting that condition. Whereby we would employ a male and a female to clean those facilities during the day time, keep paper towels and accessories necessary.

SENATOR WHITE: \$50,000 for two people.

SENATOR TORR: We want them to do a good job! Senator White, excuse my sense of humor. It's not to exceed \$50,000. It may not mean that that expenditure is going to occur. It's just up to.

SENATOR WHITE: This is a general question, Senator Torr, and perhaps I didn't hear it at the beginning, but I would assume all of the personnel cuts that the Senate has made and perhaps address that to Senator Blaisdell, are basically cuts over the increases that the House put in? So it's not existing personnel cuts.

SENATOR TORR: Personnel primarily, but some of the other additions were recommendations of the Governor, but we didn't always go along with those recommendations. As far as cutting personnel, we did not cut back into the existing personnel. Only new personnel.

SENATOR WHITE: Those are all the questions that I have on category one. I now have category two questions for Senator Dupont.

Senator, you indicated on page 37, an increase of \$534,000 in regard to 12 new positions for the securities section. Do we have place available to put 12 new employees?

SENATOR DUPONT: It's my understanding yes.

SENATOR WHITE: Have you looked into the possibility of new employees or is that in the Interstate Bank bill, in regards to, seeing that through?

SENATOR DUPONT: Senator, no we have not. The banking commissioner came forward with no request for additional people. The request in his budget is for two additional people for mortgage regulation.

SENATOR WHITE: On the emissions control, you have increased that by 3 positions. Is that basically to take care of the testing?

SENATOR DUPONT: That is, Senator, not really to do the actual testing, but to oversee the testing that's going to go on in the southern portion of the State.

SENATOR WHITE: My next questions deal with category three, Senator Delahunty.

I wonder Senator, if you could just explain to us because I didn't quite understand the change in the Fish and Game and you say you're reversing?

SENATOR DELAHUNTY: It's my understanding, Senator White, that in previous years these sportsmen were promised more conservation officers for one thing and that they didn't want new administrators. They wanted conservation officers. This is one of the reasons for it. The other one is it's easier to control cost containment. It's the feeling of the Fish and Game that they wanted it this way and we reversed it back.

SENATOR WHITE: Are we basically doing away with the regional office approach?

SENATOR HOUNSELL: Number one, I think it's reflective of what Senator Blaisdell allowed and that was for me to become involved in the budget process with special interest on what the Fish and Game budget would look like. I would just like to make a brief comment that I was going to read later. I think that it will answer your question. By their actions, the Senate Finance Committee has kept their promise made to the sportsmen in the 1986 session. Last session, the sportsmen of this State agreed to absorb a licence fee increase so that more conservation officers would be hired. Until the Senate Finance Committee reflected that promise in the budget, it appeared as though that our promise was going to be forgotten. I have special praise for Senators Delahunty and St. Jean, their hard working leadership on behalf of the hunters, fishermen, trappers and most importantly, the wildlife resource is especially noteworthy. I do, again, want to thank Senator Blaisdell who sneaked in my position in lending my tender years of my thoughts. This does not do away with the regional concept. Those are in place and I think we're going to go ahead with those with the construction of the bill. What this does do, it does eliminate the position of regional administrators and puts in place the lieutenants. Biologist will take that, I think, the small amount of the administrative work upon themselves,



thereby putting more people in the field and allowing for the sportsmen to receive what was promised to them. I think it's an excellent position.

SENATOR WHITE: You think there's enough money in the budget?

SENATOR HOUNSELL: I think there is because the license fee increase amount to a million dollars a year projected. That million dollars is reflected in here. By the way, the \$500,000 that they have already accrued in the license fee increase, it wasn't allocated because the Fish and Game budget goes from January to December and the State goes from July to the end of June. That \$500,000, from my understanding, is being put towards the building. I have talked with sportsmen groups and they endorse that, especially the Concord headquarters. They endorse the completing of those buildings and going on with those capital improvements. I really want to thank Senator Blaisdell, Senator Delahunty and Senator St. Jean and the entire Finance Committee for paying close attention to this particular area and keeping a promise to the sportsmen that was made last year. I think they should be commended for it.

SENATOR WHITE: Continuing on with category three and Senator Delahunty; I wonder if you could explain on page 81 the decreases in the Water Resources positions, which is almost a third of the positions? The decrease in that Class 10, appropriation of approximately \$117,000 the first year and \$122,000 the second year.

SENATOR DELAHUNTY: That is a reflection of the new deletion of six positions that was created by the House. One is an engineer tech., a maintenance mechanic, three carpenters and a civil engineer.

SENATOR WHITE: Page 77, I wonder if you could explain the Hampton Solid Waste Study?

SENATOR PRESTON: Is it an \$800,000 figure?

SENATOR WHITE: No, it's a little more than that.

SENATOR PRESTON: Senator, there's a regional solid waste study going on in the seacoast area. The State Parks, Hampton Beach State Park and others, use the sanitary land fill in Hampton for dumping tons of rubbish. The total cost for Hampton was \$35,000. The percentage of tonnage equated out to \$800,000 cost to the State and DRED requested that they insert that in that particular area of the budget, so they can refund the town.

SENATOR WHITE: Category four for Senator St. Jean. Page 96 Senator, you indicated that there was a decrease of many positions and yet as I look at the figures, they're the same. I wondered if I was looking at the wrong set of figures when you read them out. I think you said ten positions and I don't see that?

SENATOR ST. JEAN: At the beginning, we eliminated of the 157 new positions in the House budget, we eliminated 45 of them in the second year only. They were detailed throughout my presentation.

SENATOR WHITE: I had thought you had said there were ten positions and I didn't see how ten positions could come down to \$29,000.

SENATOR ST. JEAN: Are you suggesting Senator, that we put these positions back in?

SENATOR WHITE: No, I just wondered if the figure in the budget report was accurate or if it should be a lower figure in the insert part.

SENATOR ST. JEAN: It's only three positions that we've deleted. In my presentation I detailed that.

SENATOR WHITE: On page 101 and from there on, you have indicated that the substantial decrease that the State of New Hampshire will be receiving in regards to its federal aid; is that because of the highway bill that the U.S. Congress passed?

SENATOR ST. JEAN: Yes, that's absolutely right. That was the one that was recently passed out of Washington and we're incorporating that into this budget.

SENATOR WHITE: Category five, I don't know who was working with this in regards to HB 370. You've incorporated those throughout pages 135 and other pages and I wondered where you received the exact figures on those?

SENATOR MCLANE: We did not make any changes in the House budget, and so the two twenty-eight shelter allowance is in tact and the medicaid amount is intact. The only place that we really did not fund 370 is in day care, where we took 1.5 million in the two years out of day care. HB 370 had called for \$750,000 in day care funding and that's just about what we gave them.

SENATOR WHITE: In regards to the Dental Board, you took out one position in the Dental Board. Since all boards are covered by their fees, I wondered why you took a position out? What does it leave them with?

SENATOR PODLES: Senator, this does delete one position, but it's a savings of \$30,000 from the General Fund and this is why we deleted it. They asked for two positions and we gave them one.

SENATOR WHITE: One new position?

SENATOR PODLES: Right, so we have a savings of \$15,000 in 1988 and \$16,000 something in 1989.

SENATOR WHITE: Category six, in the Capital Budget, we passed equipment and other things for the pulp and paper. I believe that's already passed the Senate and it's back over in the House.

SENATOR HOUGH: Jean, I'll answer your question! There's no question that the pulp and paper program in Berlin voc-tech has been reached and we are continuing to firm up our position of support for that program. Rest assured that at the end of this session, there will be a pulp and paper program in Berlin. Does that answer your question?

SENATOR WHITE: Yes, thank you. I have a few questions on the back of the budget. On page 179, on the top of the page, I wondered in regards to those two positions, is that the same as the way it was in the House, in the worker's rehab program, under handicap, where you have not budgeted?

SENATOR BLAISDELL: The answer is yes.

SENATOR WHITE: Page 182, in lapsing to the highway fund, the reflectorized plate inventory fund, I wonder if you have the figure on that?

SENATOR BLAISDELL: \$800,000.

SENATOR WHITE: Basically on page 183, that's what you were referring to as footnote "g", all leases in excess of \$10,000 are going to go? Could you explain that then, section 20.

SENATOR TORR: Senator White, this doesn't deal with the footnote "g", but it deals with the fact of leases, as I explained in my answer previously. It prohibits any department from making a lease,

either in the current year or extended beyond the biennium, for an amount over \$10,000. We've had that happening and this is a procedure to stop that from occurring.

SENATOR BARTLETT: There was some question about revenue sharing. If you look at the total amount of money, and I guess the person who asked about revenue sharing is not here, the mail that went out from the municipal association just dealt with one section. It showed that there had been a ten million dollar cut over the biennium in that one section. Now, what they failed to talk to at all was the total amount of money going back to the cities and towns. You can take and look at your little section over here, this town or county or something like that, but the total amount of money going back to schools in towns, even as it is now with the ten million dollars out, is \$20 million more than it was in the previous budget, if you take the section out that deals with one section. So, what the committee did was they really took a look at the overall picture and said look, we've increased aids to cities and towns by \$20 million, when they take it out specifically to that one sections and that one section yes, under that particular law, that was reduced five million dollars in the first year and five million dollars in the second. But the total amount of money going back to cities and towns for all government is increased \$20 million in the biennium and I'd be glad to answer any questions.

SENATOR PRESSLY: Senator Bartlett, I believe I understand what you're saying however, one of my concerns is that the other monies that you refer to, that are being sent back to the cities and towns, are done so with a particular formula. So, there may be the possibility that one community could be extremely harmed, more so than others, depending upon how they happen to fall within the formula. Although I understand that your total amount is as you say \$20 million, the actual impact on each community is going to vary depending upon, and the problem I have with this is that I do not know at this time how all of the towns that I represent, it's unclear to me how they individually are going to be affected and how they, the local administrators, are going to be able to respond to this. Is there some way, before we vote on this, we could get some actual figure on how each community is going to be impacted, based on the formulas?

SENATOR BARTLETT: I think if you'd like to wait a couple of hours that we could probably have the answer to that. The basic overall problem is that we're voting here on a spending level, which we hope to maintain. I think that some of your problems obviously

can be addressed and if you still have a problem about whether your specific communities because, you may find in your communities that some towns get money and some don't. You may not want to know!

SENATOR PRESSLY: I appreciate your response and I thank you for your response, Senator Bartlett. I think all of us as Senators though, are going to have the problem when each town deals with either the increase or decrease in the revenue, whatever form it comes in. Be it in Education, Mental Health, however it comes. So, I would like to know how my districts are going to be affected.

SENATOR BARTLETT: I think it's almost impossible to do so, because there are so many factors to be included; foundation aid; there's mental health sections; there's children and youth; there's catastrophic, under those sections there are grants. There are so many things to specifically pick out for any one community, it's going to take the LBA a considerable amount of time to do this. If they are going to do this for every community in the State, they're going to do it for you, they're going to do it for every community. I think if you look overall, this budget has treated the cities and towns well.

SENATOR PRESSLY: When will each community know its own impact then? How quickly will each administration within each community have an idea just how to address their own budgets in response to this?

SENATOR BARTLETT: I think once the committee of conference is completed, they will know. Because nothing is certain until the committee of conference is complete and the Governor signs and agrees with the committee of conference.

SENATOR WHITE: Senator, isn't it true in this particular budget, you have not cut one cent out of what they got previously in that particular line?

SENATOR BARTLETT: No, I think in the grants we cut five million and five million. For the total, we've increased money overall. In the programs, we have not cut any social programs or anything along that way. So, the communities, we have not cut any below the 1987 level, and so really, the communities are looking back. The mere fact that we guaranteed \$32 million in foundation aid in the Governor's budget made it much more simple for the communities to try to do their budgets because the school districts were unable to determine how the money was coming. That was one of the sweep-



stakes things that we carried forward. The communities have been guaranteed \$32 million at least in the school districts and they will be able to compute their budget and know where they're coming from and not fool around with that thing and adjust it when they go to the State.

SENATOR WHITE: So, this is better than it has been in the past? Is that correct?

SENATOR BARTLETT: Well, if there's \$20 million more going out to cities and towns, I guess it should be better!

SENATOR JOHNSON: My first question would be for Senator Hough. In regard to the catastrophic aid, Senator, I didn't really follow your presentation on that, but I do recall that this body almost unanimously, as I remember, voted a five million dollar level for catastrophic aid and I don't see that reflected in this budget. Can you help me understand that please?

SENATOR HOUGH: Senator Johnson, you know that the Disnard bill relative to catastrophic aid was passed in the early days of this session. You also know that when that bill was passed, it was referred to Finance and brought back out and Senator Disnard, along with other members of his committee, and Senator Dupont have been working on the catastrophic aid situation, trying to establish cost containment, accountability and, finally having met with members of the department and the administration and the Governor specifically, there was a recognition that the threshold, if you will, or the up-front amount that the locals would assume, had to be based on something other than a mere \$9,000. It would have to be based on a recognition of fact and that the Governor had indicated that he would support full funding of the 80% State obligation, if we could have a threshold that recognized, #1, a value times the Statewide per pupil cost that would be indexed into the future. My answer was that there is an amendment to a bill which is coming out this afternoon from Finance. This amendment is in fact the work of Senator Disnard, but we put it on because we can't use the budget to amend the RSAs. It establishes three and a half times the most recent per pupil cost, which will be developed by the department after July 1st, based on the school year September 86 to June of 87. We have to put that in law. Having that signed into law, the balance of the agreement will be met. The funding level in the budget, as of this time, is not what we will ultimately have as a funding level in the budget for catastrophic aid when the bill is signed into law.

SENATOR JOHNSON: So, if I understand what you're saying, there's a bill forthcoming this afternoon, would change the threshold from the existing \$9,000 plus 20% of the cost over \$9,000, to three and a half times the State average elementary tuition. That would be the upper limit for the school district and then catastrophic aid would then fund the full amount over that?

SENATOR HOUGH: If you want to know what the figure is and you said you've seen the schedules, we're talking approximately \$11,000. That's really the answer. It's the \$11,000 versus the \$9,000, 20% of the balance and the State pays the 80%.

SENATOR JOHNSON: So, it would be \$11,000 plus 20%?

SENATOR HOUGH: The three and a half addresses a figure 10, 5 and 11.

SENATOR JOHNSON: In regards to building aid, you talked about the fluid nature of what's happening in regards to the potential demands for building aid, but I didn't really follow what the conclusion was or where we're going budget wise, in that regard. Help me to understand that please?

SENATOR HOUGH: Governor Sununu presented a budget in January that recognizes fully funding the demand for good school building aid. The House position recognized that same premise except the number in three months went up a million and a half. The Senate recognized that same premise and it went up a million and a half from the House, so that's three million dollars in five months. What we're finding is that there have been, at the local level, decisions to amortize bonds on a ten year versus a twenty year basis, not recognizing the life of the building. That recognizes that you can go to the trough sooner and at a greater rate. It's a problem and I will tell you this; whatever figure we put in today will not be the figure we will see on June 30th. The Senate's position is recognizing the last best information, our value, 75% of what today's demand is. That 75% figure is virtually the same as what the Governor recommended in January. We could have put the figure that the Governor recommended in January in and there'd be no change, but you'd have to recognize that there isn't sufficient funds to meet the State's obligation.

SENATOR JOHNSON: Do I understand what you're now saying is that the State's share will be reduced from, budget wise, from what would have been a 30% share under the Governor's budget to a 25% share now? Why did you mention the 75%?

SENATOR HOUGH: No, I'm saying that we are remaining consistent with the position of the Governor, we're remaining consistent with the position of the House and the Senate's position is consistent. We're recognizing the State obligations of school building aid. I'm telling you, that the funds are not sufficient to meet the purposes of policy, all right. Why aren't they? They're about 25% less than they should be. And tomorrow there will be a different set of figures, but we are not deviating from the policy decision to make the purposes of the law.

SENATOR JOHNSON: The law talks about the State funding 30% of school building aid?

SENATOR HOUGH: It's my understanding that various districts and various programs have different rates and I stand to be corrected. The cooperative districts have a different value than the economist districts and be that as it may, we are intending to state a policy that fully funds the law. I'm telling you that these numbers aren't correct.

SENATOR JOHNSON: I now understand that, thank you. My next question is for Senator McLane. My question has to do with page 123 and the reduction in family planning. My question is this; what's the justification for that reduction and what is the likely effect upon the family planning program and unwanted pregnancies and so forth? If we reduce family planning, are we not likely to be engineering another social cost far greater than that reduction, in regard to unwanted pregnancies and the common cost they are associated with?

SENATOR MCLANE: You're absolutely correct, Senator Johnson. Family planning has been raised by 1.3 million by the House in each year of the biennium. The million dollars brings it up to the 85 level of funding, because if you remember in the last session, family planning was one of the seven bills that was lost at the end of the year in the shuffle. The \$600,000 that we did take out of family planning, I have figured, is going to cost the State about 1.5 in AFDC next year. Because of the size of the increase that we had given, the committee did cut that budget.

SENATOR JOHNSON: On page 136 in day care, I'm concerned about the reduction in day care. What are the potential consequences, the social consequences, and particularly, the social cost of State and local governments, in regards to the reduction in day care

facilities? What extent does that preclude AFDC mothers and other people from returning to the work force at a time when it appears that we need all the workers we can get in New Hampshire work force?

SENATOR MCLANE: It means that 740 poor children will not be served because of the cut that Senate Finance made. But, there has been, again, a significant increase in the House budget.

SENATOR JOHNSON: I'm concerned about the notion that a master marital program is a highly cost effective program in New Hampshire. With the burgeoning population and the court cases that are likely to flow from that, why then would we be reducing a highly cost effective program in regards to marital masters?

SENATOR MCLANE: I believe, that the House added eight marital masters. We cut that back to six and if you have any more questions on that subject, Senator Dupont could answer those because those were his section.

SENATOR DUPONT: Senator Pressly, I just wanted to make it very, very clear to yourself and the rest of the Senate on the issue of the revenue sharing in the local communities. There is a list that we had in Senate Finance that showed that distribution in detail. Last year it was \$52 million, under the Senate budget it's \$52 million this year. There's been no reduction. If you look at the list that the municipal association put out, that showed the losses to each individual towns. That's the loss that's incurred if we don't increase our level to what the House appropriated. So, the \$52 million is still in place. What's not in place is the \$5 million in each year that the House added to the budget. That was ten million of new money that wasn't in there last year, that we deleted. If you take the overall effect of the new monies that we put into this budget, whether they be in Education or any of the other areas, there is no way that a community gets hurt under this budget because we did not decrease any levels of funding that were already there.

SENATOR PRESSLY: Senator Dupont, thank you for your response and I appreciate the hard work that you have put into this. However, my concern has to do with the various formulas. My understanding is that the total money is being dispersed to the cities and towns through various sets of formulas. It's difficult for each Senator to really understand completely how their communities are going to be effected.

SENATOR DUPONT: Obviously, the communities that you represent have kids that are placed under the catastrophic aid formula. They're going to be helped. Obviously, all your communities receive foundation aid, so the more money you put into foundation aid, obviously, the larger the dispersement is going to be to the communities. Particular in foundation aid, the way the formula's written, Nashua probably is going to benefit tremendously from the fact that we've increased the foundation aid money. You have kids in school, the communities are going to receive more money. If you have kids that are covered by the catastrophic clause that we've written, then there's going to be an increase. Understandably so, you're going to be concerned about whether or not they're going to be impacted, and at what degree they're going to be impacted. There are additional monies going back to the cities and towns and in many categories, such as those two that I've mentioned, all communities are affected, so all communities are going to receive additional monies.

SENATOR NELSON: Now that we know that the sportsmen are OK, I thought I'd ask a few questions about some of the people. I noticed that in one of your comments, and I don't know the page, you deleted the fund to advertise for nursing. We've heard so many bills on the floor of this Senate about how we need nurses. It's a drastic shortage. I would be interested in why you would delete that?

SENATOR PODLES: First of all, it's a new program. Secondly, they're going to be advertising in Canada and what not. We just did not want to add a new program so we deleted that. Nurses ought to get a raise, really and truly, and I'd rather put that money into a raise rather than advertising for nurses.

SENATOR NELSON: I also would reiterate the question of Senator Johnson rate of day care, having listened to testimony for four months. I would also inquire about the mental health cut back, 4.1 million dollars. I'm interested in that.

SENATOR PODLES: First of all, these were House increases. They are new programs. I, particularly, was very interested in the homeless. I would have liked to have funded that program, but it was a new program and we were trying not to fund too many new programs, unless they were necessary.

SENATOR NELSON: I would now ask this question about the Human Rights Commission. I can't recall which of the Senators gave that discussion. There were some cuts in the Human Rights Com-



mission of personnel and investigators. I was curious, are those new positions or old positions or House positions or whose positions?

SENATOR MCLANE: Those were positions that were added by the House. The House added two and a half and we cut one and a half.

SENATOR NELSON: Would you believe, Senator McLane, that having listened to the sunset report on the Human Rights Commission, that I would support the House's position?

SENATOR MCLANE: I would believe that.

SENATOR NELSON: Senator Delahunty, I would just ask you simply, were there any new programs or new positions in the Fish and Game Division?

SENATOR BLAISDELL: Other than the conservation officers, those were the only new positions in there Senator Nelson.

SENATOR NELSON: Senator Blaisdell, could you be specific in terms of that position for the commissioner and what that will cost the State?

SENATOR BLAISDELL: We had conservation officers.

SENATOR NELSON: What are those?

SENATOR BLAISDELL: Those are the people that go out in the woods and catch those people that don't trap beavers.

SENATOR ST. JEAN: There are seven total new positions in the Fish and Game budget. The total amount of dollars that we're talking about, in the Fish and Game, of federal funds money is \$80,000 and that's used for search and rescue, Senator Nelson. The monies come in from sportsmen from around the State and license fees and that's the bulk of monies that we're dealing with.

SENATOR NELSON: Senator Blaisdell, just in terms of generalities, were there many new programs and new positions added in this budget?

SENATOR BLAISDELL: Not many, Senator. If you've noticed what the Senators got up in the six categories talked about, there aren't many at all.

SENATOR CHANDLER: Concerning footnotes, in the past we've generally had the footnotes like number 1, number 2, number 3, number 4. Now, these footnotes are "g", "d", and "e" and in the back

of the book where the footnotes are, they're not numerically listed. I was wondering what's the reason for the change?

SENATOR HOUGH: The budget message, as the Governor gave it to you in January, in the back of it you will find the footnotes. But you see you're not using that document, it's the budget that you got in January from the Governor. If you were to look at that, then you would find these "b", "c", "d", "e", "f", "g", "h" footnotes. That hasn't changed, so they don't print in that amendment. That amendment only recognizes change.

SENATOR CHANDLER: It's kind of confusing, isn't it?

SENATOR HOUGH: Well, I had to ask the same question and I got copies of them. The original document where we started in January, anything of subsequent, reflects change only.

SENATOR CHARBONNEAU: The Governor recommended \$96 million for the university system. The House recommended and added \$6 million onto that, which is \$102 million. Could you please answer why did the Senate cut this? We have a lot of other programs that we've sliced and why wasn't this cut?

SENATOR HOUGH: Because it was the position of the committee on Finance that that was the proper level of funding to support higher education.

SENATOR CHARBONNEAU: I think it's ridiculous.

SENATOR ST. JEAN: Senator Charbonneau, it seems that you've been watching this whole budget process for a while and you suggested that there are some areas within the education budget where cuts should be made. Could you detail the PAU's for me right now, what cuts should be made?

SENATOR CHARBONNEAU: I just feel that in the \$6 million, I mean that \$6 million with the university system, I think that they would have agreed on the \$96 million originally and that I think they said let's take our chances with the alumni. I feel that there are a lot of social services that have been cut where the university could have been cut.

SENATOR ST. JEAN: You have not, at any point, detailed any cuts that can be made Senator?

SENATOR TORR: I recognize the fact that Senator Dupont is from the Lilac City, but I would like to have an explanation or a commentary on, as to why he's receiving two bouquets today of lilacs?

SENATOR DUPONT: Senator, in a midnight raid, the Senate Finance Committee saw fit to cut \$50,000 out of the program for lilacs in the State of New Hampshire. Being the representative from the Lilac City, which Rochester is, and being a supporter of this program in the past, I think they decided they'd send me lilacs, before there weren't any left in the State as the result of the erosion of this program in the budget.

SENATOR DELAHUNTY: I think that you are all aware of my status of the youngest member, in terms of experience anyway, of the Senate Finance Committee and I found the process very interesting. After being appointed to the Finance Committee, I really did not know what to expect. However, I will stand here today and tell you that I have seen the committee in action, working feverishly. Day after day and in some cases into the evening, negotiating and renegotiating positions, juggling and balancing figures, or applying some serious approach to establishing a realistic budget to the State, which reflects an overall conservative attitude, protecting the interest of the residents and taxpayers in the State of New Hampshire. The committee has worked hard, allowing and seeking input in all areas, they have been fair and have tried hard to be effective within the dollars and the guidelines that they have had to work with. My opinion is that the committee did a good job in representing the Senate and I would hope that you would vote in support of passing HB 300

SENATOR HOUGH: I rise in support of the Senate Finance Committee's amendment and I urge you to adopt the committee's amendment and pass this bill as amended.

I would like to take this opportunity to give special praise and special recognition to a person that you all know is a close friend of mine. But more importantly, the Chairman of your Finance Committee has exhibited typically for him, but an unusual departure from the past, in that, he has exhibited not only the strong leadership, the coaching spirit to bring a committee of eight diverse individuals together to forge, if you will, a balanced and reasoned approach. It is a great tribute to Senator Blaisdell that this committee has worked so well together in giving you a very specific and detailed amendment. Needless to say, any of us in the public policy arena would be at risk

were it not for the professional staff, which we have under the leadership of Charlie Connor. I, personally, have known all of you for a good number of years, have worked with you. I respect your professionalism. I respect your objectivity and quite frankly in the waning hours of our deliberations, I respect your good humor and your support. Without you, the legislature could not function to the best interest of the people. We on the committee of Finance have to also recognize the willingness to put in hard hours and to respond to the demands from eight people, all at once, and Debbie McLeod, thank you again for being with us at all times during our deliberations.

Now having said that, I want you to understand that the Senate has a position on the budget. The Senate's position on the budget is on the basis of many hours of looking at each line in the budget. Regrettably, my opinion is that our colleagues in the House and on the House Appropriations Committee, unlike when I served on it, did not take the time to diligently strike a line by line position, but opted instead, for funding statutory limits in the grant level. The Senate and the Senate's position on the budget puts this body in a position where we can seize the initiative and go to conference knowing full well what the demands and the needs are. This body can feel comfortable that the conference will ultimately affirm human services and affirm education and control the growth in general government. In so doing, show the Senate as having the leadership position in the legislative process.

We are now ready to vote on the committee amendment. I urge each and every one of the members of this body, to recognize the hard work that eight of your colleagues have put in during the last many months and to affirm the position of the Senate Finance Committee on the biannual budget for the State of New Hampshire.

SENATOR WHITE: Senator Hough, I was very pleased with what you just said in regards to the Finance Committee and I do think you've worked hard. Do you think the Senate Committee of Conference will uphold the bottom line of this budget? Is that the intent?

SENATOR HOUGH: The conferees on the part of the Senate will uphold the position of the Senate, in that they will recognize that the areas of human services and education are where the emphasis should be and the reduction should be in the control of the growth in the general government. That's the position of your committee and that's the position that your conferees will substantiate.

SENATOR HOUNSELL: I would like to begin by thanking the members of Senate Finance for their hard and deliberate work and I sincerely mean thank you. I guess that looking at the bottom line here, and for that reason I rise in strong support for the committee amendment. I further indicate that the responsible level of funding is sufficient. They've proven that to me today that it is by their knowledge of it. They're line by line work on it and I want to go on record as urging any committee of conference not to increase the level by a single penny. I understand that there's going to have to be some movement, but I think that movement has to reflect the level of funding. If the House wants to change some of the areas, change them, but keep the funding the same. For that reason, at this time, I am very happy to support the work and urge the Senate to do so.



AMENDMENTS TC		PAGE	1	05/01/87	----- FISCAL YEAR 1988 -----		----- FISCAL YEAR 1989 -----		
HB0300									
AMEND SECTION 1 OF THE BILL BY MAKING THE FOLLOWING SPECIFIED CHANGES, AND BY CHANGING SUBTOTALS AND TOTALS AS HEREINAFTER SPECIFIED TO REFLECT THE SPECIFIED CHANGES.									
01 GENERAL GOVERNMENT									
02 LEGISLATIVE BRANCH									
01 GENERAL COURT									
03 GENERAL COURT JOINT EXPENSES									
01 JOINT EXPENSES - OPERATIONS									
INSERT				500,000					
91 DATA PROCESSING NEEDS									
INSERT				50,000					
92 CLEANING SERVICE									
TOTAL				989,966			541,846		
ESTIMATED SOURCE OF FUNDS FOR									
JOINT EXPENSES - OPERATIONS									
STRIKE OUT				404,966			456,846		
GENERAL FUND				934,966			506,846		
INSERT IN PLACE THEREOF				989,966			541,846		
GENERAL FUND							1023,748		
TOTAL				1456,852					
ESTIMATED SOURCE OF FUNDS FOR									
GENERAL COURT JOINT EXPENSES				1414,852			981,748		
GENERAL FUNDS				42,000			42,000		
OTHER FUNDS				1456,852			1023,748		
TOTAL							4458,766		
ESTIMATED SOURCE OF FUNDS FOR				4376,263					
GENERAL COURT				4334,263			4416,766		
GENERAL FUNDS				42,000			42,000		
OTHER FUNDS				4376,263			4458,766		
TOTAL				7506,550			7835,927		
ESTIMATED SOURCE OF FUNDS FOR									
LEGISLATIVE BRANCH				7230,550			7559,927		
GENERAL FUNDS				276,000			276,000		
OTHER FUNDS									

AMENDMENTS TO	PAGE	2	05/01/87	FISCAL YEAR 1988		FISCAL YEAR 1989	
HB0300							
01 GENERAL GOVERNMENT							
02 LEGISLATIVE BRANCH							
(CONT.)							
(CONT.)							
TOTAL				7506,550		7835,927	
01 GENERAL GOVERNMENT							
03 EXECUTIVE OFFICE							
01 OFFICE OF THE GOVERNOR							
01 OFFICE OF THE GOVERNOR							
STRIKE OUT							
30 EQUIPMENT				12,000		13,480	
STRIKE OUT							
30 OTHER PERSONAL SERVICES				50,000		55,000	
STRIKE OUT							
60 BENEFITS				176,830		192,135	
INSERT IN PLACE THEREOF							
60 BENEFITS				173,255		188,004	
TOTAL				194,478		200,202	
ESTIMATED SOURCE OF FUNDS FOR							
OFFICE OF THE GOVERNOR							
STRIKE OUT							
GENERAL FUND				1771,553		1831,013	
INSERT IN PLACE THEREOF							
GENERAL FUND				1705,978		1758,402	
TOTAL				1944,478		2000,202	
TOTAL				1944,478		2000,202	
ESTIMATED SOURCE OF FUNDS FOR							
OFFICE OF THE GOVERNOR							
FEDERAL FUNDS				238,500		241,800	
GENERAL FUNDS				1705,978		1758,402	
TOTAL				1944,478		2000,202	
01 GENERAL GOVERNMENT							
03 EXECUTIVE OFFICE							
01 OFFICE OF THE GOVERNOR							
03 STATE PLANNING OFFICE							
01 STATE PLANNING ADMINISTRATION							
STRIKE OUT							
30 EQUIPMENT				17,800		2,000	



AMENDMENTS TO	PAGE	4	05/01/87			FISCAL YEAR 1988	FISCAL YEAR 1989
H80300							
01 GENERAL GOVERNMENT							
03 EXECUTIVE OFFICE							
01 OFFICE OF THE GOVERNOR							
03 STATE PLANNING OFFICE							
				(CONT.)			
				(CONT.)			
				(CONT.)			
ESTIMATED SOURCE OF FUNDS FOR							
STATE PLANNING OFFICE							
GENERAL FUNDS					1330,597		1387,048
OTHER FUNDS					622,369		663,705
TOTAL					1952,966		2050,753
01 GENERAL GOVERNMENT							
03 EXECUTIVE OFFICE							
01 OFFICE OF THE GOVERNOR							
04 STATE PLANNING GRANTS							
02 COASTAL ZONE MANAGEMENT							
STRIKE OUT							
90 CONTRACTUAL							
INSERT IN PLACE THEREOF							
90 CONTRACTUAL					50,000		50,000
TOTAL					25,000		25,000
ESTIMATED SOURCE OF FUNDS FOR							
COASTAL ZONE MANAGEMENT							
STRIKE OUT							
GENERAL FUND					591,881		598,869
INSERT IN PLACE THEREOF							
GENERAL FUND					50,000		50,000
TOTAL					25,000		25,000
ESTIMATED SOURCE OF FUNDS FOR					591,881		598,869
STATE PLANNING GRANTS							
FEDERAL FUNDS					6437,813		5446,766
GENERAL FUNDS							
OTHER FUNDS							
TOTAL					5979,707		4,957,212
ESTIMATED SOURCE OF FUNDS FOR					117,784		117,004
OFFICE OF THE GOVERNOR					340,322		372,550
					6437,813		5446,766
TOTAL					11137,622		10262,230





AMENDMENTS TO  
H80300 PAGE 6 05/01/87

----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

01 GENERAL GOVERNMENT  
03 EXECUTIVE OFFICE  
01 GOVERNOR'S COMMISSION ON THE HANDICAPPED  
01 COMMISSION ON THE HANDICAPPED

(CONT.)  
(CONT.)  
(CONT.)  
(CONT.)

INSERT IN PLACE THEREOF			
10 PERSONAL SERVICES - PERMANENT			
STRIKE OUT	65,147		69,168
60 BENEFITS	23,644		26,059
INSERT IN PLACE THEREOF			
60 BENEFITS	20,986		23,163
TOTAL			
ESTIMATED SOURCE OF FUNDS FOR			
COMMISSION ON THE HANDICAPPED			
STRIKE OUT	184,035		195,654
GENERAL FUND			
INSERT IN PLACE THEREOF	199,349		211,713
GENERAL FUND	184,035		195,654
TOTAL	184,035		195,654
TOTAL			
ESTIMATED SOURCE OF FUNDS FOR			
GOVERNOR'S COMMISSION ON THE HANDICAPPED			
FEDERAL FUNDS			
GENERAL FUNDS	234,035		245,654
TOTAL	234,035		245,654
TOTAL			
ESTIMATED SOURCE OF FUNDS FOR			
EXECUTIVE OFFICE			
FEDERAL FUNDS			
GENERAL FUNDS	32042,306		31627,669
OTHER FUNDS			
TOTAL	32042,306		31627,669
TOTAL			
01 GENERAL GOVERNMENT			
04 DEPARTMENT OF ADMINISTRATIVE SERVICES			
01 OFFICE OF THE COMMISSIONER			
02 BUDGET OFFICE			
04 INDIGENT DEFENDERS			
STRIKE OUT			
90 ASSIGNED COUNSEL	962,500		416,000
F			



AMENDMENTS TO	PAGE	8	05/01/87		FISCAL YEAR 1988		FISCAL YEAR 1989
HB0300							
01 GENERAL GOVERNMENT				(CONT.)			
04 DEPARTMENT OF ADMINISTRATIVE SERVICES				(CONT.)			
01 OFFICE OF THE COMMISSIONER				(CONT.)			
02 BUDGET OFFICE				(CONT.)			
GENERAL FUNDS					4833,119		4572,139
TOTAL					4833,119		4572,139
01 GENERAL GOVERNMENT							
04 DEPARTMENT OF ADMINISTRATIVE SERVICES							
01 OFFICE OF THE COMMISSIONER							
03 FINANCIAL DATA MANAGEMENT							
STRIKE OUT							
91 COMPUTER SERVICES					395,000		650,000
STRIKE OUT							
96 INTEGRATED FINANCIAL SYSTEM					639,359		494,778
INSERT IN PLACE THEREOF							
96 INTEGRATED FINANCIAL SYSTEM					500,000		494,778
TOTAL					962,010		997,369
ESTIMATED SOURCE OF FUNDS FOR							
FINANCIAL DATA MANAGEMENT							
STRIKE OUT							
GENERAL FUND					1496,369		1647,369
INSERT IN PLACE THEREOF					962,010		997,369
GENERAL FUND					962,010		997,369
TOTAL						6150,949	5950,108
ESTIMATED SOURCE OF FUNDS FOR							
OFFICE OF THE COMMISSIONER							
GENERAL FUNDS					6150,949		5950,108
TOTAL					6150,949		5950,108
01 GENERAL GOVERNMENT							
04 DEPARTMENT OF ADMINISTRATIVE SERVICES							
03 DIVISION OF INFORMATION SERVICES							
01 DIS ADMINISTRATION & SUPPORT							
STRIKE OUT							
90 DISASTER RECOVERY SERVICE					133,000		153,000

AMENDMENTS TO	PAUSE	05/01/87	FISCAL YEAR 1988		FISCAL YEAR 1989	
(CONT.) (CONT.) (CONT.) (CONT.)						
01 GENERAL GOVERNMENT						
04 DEPARTMENT OF ADMINISTRATIVE SERVICES						
03 DIVISION OF INFORMATION SERVICES						
01 DIS ADMINISTRATION & SUPPORT						
STRIKE OUT						
91 EQUIPMENT ACQUISITION			1023,427		1051,884	
STRIKE OUT						
92 OTHER AGENCY COMPUTER SYSTEMS			400,000			
TOTAL				854,608		883,761
ESTIMATED SOURCE OF FUNDS FOR						
DIS ADMINISTRATION & SUPPORT						
STRIKE OUT						
GENERAL FUND			2411,035			2088,645
INSERT IN PLACE THEREOF				854,608		883,761
GENERAL FUND				854,608		883,761
TOTAL						
01 GENERAL GOVERNMENT						
04 DEPARTMENT OF ADMINISTRATIVE SERVICES						
03 DIVISION OF INFORMATION SERVICES						
03 BUREAU OF FINANCIAL DP SVCS						
STRIKE OUT						
90 DASD STORAGE			64,000		64,000	
TOTAL				1465,077		1536,130
ESTIMATED SOURCE OF FUNDS FOR						
BUREAU OF FINANCIAL DP SVCS						
STRIKE OUT						
GENERAL FUND			1529,077			1600,130
INSERT IN PLACE THEREOF				1465,077		1536,130
GENERAL FUND				1465,077		1536,130
TOTAL						
01 GENERAL GOVERNMENT						
04 DEPARTMENT OF ADMINISTRATIVE SERVICES						
03 DIVISION OF INFORMATION SERVICES						
04 AGENCY REVENUES						
ESTIMATED SOURCE OF FUNDS FOR						
AGENCY REVENUES						

AMENDMENTS TO	PAGE	10	05/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
HB0300					
(CONT.)					
01 GENERAL GOVERNMENT					
04 DEPARTMENT OF ADMINISTRATIVE SERVICES					
03 DIVISION OF INFORMATION SERVICES					
04 AGENCY REVENUES					
(CONT.)					
STRIKE OUT					
09 AGENCY INCOME			3491,298		3319,372
INSERT IN PLACE THEREOF					
09 AGENCY INCOME			3441,298		3269,372
STRIKE OUT					
GENERAL FUND			3491,298-		3319,372-
INSERT IN PLACE THEREOF					
GENERAL FUND			3441,298-		3269,372-
TOTAL			4891,500		5121,657
ESTIMATED SOURCE OF FUNDS FOR					
DIVISION OF INFORMATION SERVICES					
GENERAL FUNDS			1450,202		1852,285
OTHER FUNDS			3441,298		3269,372
TOTAL			4891,500		5121,657
(CONT.)					
01 GENERAL GOVERNMENT					
04 DEPARTMENT OF ADMINISTRATIVE SERVICES					
04 DIVISION OF PERSONNEL					
01 PERSONNEL ADMIN & SUPPORT					
STRIKE OUT				537,177	
10 PERSONAL SERVICES - PERMANENT			510,793		
INSERT IN PLACE THEREOF					
10 PERSONAL SERVICES - PERMANENT			386,307		407,484
STRIKE OUT					
20 CURRENT EXPENSES			36,146		36,346
INSERT IN PLACE THEREOF					
20 CURRENT EXPENSES			33,829		34,459
STRIKE OUT					
30 EQUIPMENT			30,747		9,300
INSERT IN PLACE THEREOF					
30 EQUIPMENT			2,747		9,300
STRIKE OUT					
60 BENEFITS			125,207		138,176
INSERT IN PLACE THEREOF					
60 BENEFITS			99,065		109,644



AMENDMENTS TO	PAGE	11	05/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
HB0300						
01 GENERAL GOVERNMENT				(CONT.)		
04 DEPARTMENT OF ADMINISTRATIVE SERVICES				(CONT.)		
04 DIVISION OF PERSONNEL				(CONT.)		
01 PERSONNEL ADMIN & SUPPORT				(CONT.)		
STRIKE OUT						
03 CLASS./EXAM SYSTEM	*			400,000	350,000	
INSERT IN PLACE THEREOF					350,000	
03 CLASS./EXAM SYSTEM	*					
TOTAL				639,735		1034,748
ESTIMATED SOURCE OF FUNDS FOR						
PERSONNEL ADMIN & SUPPORT						
STRIKE OUT						
GENERAL FUND				1220,680		1194,860
INSERT IN PLACE THEREOF				639,735		1034,748
GENERAL FUND				639,735		1034,748
TOTAL						
TOTAL				751,691		1154,919
ESTIMATED SOURCE OF FUNDS FOR						
DIVISION OF PERSONNEL						
GENERAL FUNDS					751,691	1154,919
TOTAL					751,691	1154,919
01 GENERAL GOVERNMENT						
04 DEPARTMENT OF ADMINISTRATIVE SERVICES						
05 DIVISION OF PLANT & PROPERTY						
02 BUREAU OF PURCHASE & PROPERTY						
01 PURCHASING ADMINISTRATION						
STRIKE OUT						
10 PERSONAL SERVICES - PERMANENT				450,681	471,055	
INSERT IN PLACE THEREOF					429,092	
10 PERSONAL SERVICES - PERMANENT				410,336		
STRIKE OUT						
60 BENEFITS				95,313	104,336	
INSERT IN PLACE THEREOF					95,104	
60 BENEFITS				86,841		
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR				560,152		589,021
PURCHASING ADMINISTRATION						

AMENDMENTS TO	PAGE	12	05/01/87		FISCAL YEAR 1988	FISCAL YEAR 1989
H80300						
01 GENERAL GOVERNMENT						
04 DEPARTMENT OF ADMINISTRATIVE SERVICES						
05 DIVISION OF PLANT & PROPERTY						
02 BUREAU OF PURCHASE & PROPERTY						
01 PURCHASING ADMINISTRATION						
STRIKE OUT						
GENERAL FUND						
INSERT IN PLACE THEREOF						
GENERAL FUND						
TOTAL						
607,019						638,266
558,202						587,071
560,152						589,021
1072,309						1109,535
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
BUREAU OF PURCHASE & PROPERTY						
FEDERAL FUNDS						
GENERAL FUNDS						
OTHER FUNDS						
TOTAL						
165,208						165,208
601,442						631,621
305,659						312,706
1072,309						1109,535
01 GENERAL GOVERNMENT						
04 DEPARTMENT OF ADMINISTRATIVE SERVICES						
05 DIVISION OF PLANT & PROPERTY						
03 BUREAU OF PLANNING & MGMT						
02 TELECOMMUNICATIONS						
STRIKE OUT						
10 PERSONAL SERVICES - PERMANENT						
INSERT IN PLACE THEREOF						
10 PERSONAL SERVICES - PERMANENT						
STRIKE OUT						
46 CONSULTANTS						
INSERT IN PLACE THEREOF						
46 CONSULTANTS						
STRIKE OUT						
60 BENEFITS						
INSERT IN PLACE THEREOF						
60 BENEFITS						
94,599						99,359
44,387						46,087
40,000						40,800
10,000						10,000
19,866						21,859
9,321						10,139
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
TELECOMMUNICATIONS						
STRIKE OUT						
GENERAL FUND						
95,161						109,595
185,918						205,387

(CONT.)  
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(CONT.)  
(CONT.)  
(CONT.)

AMENDMENTS TO		PAGE		13		05/01/87		----- FISCAL YEAR 1988 -----		----- FISCAL YEAR 1989 -----	
HB0300											
01 GENERAL GOVERNMENT (CONT.)											
04 DEPARTMENT OF ADMINISTRATIVE SERVICES (CONT.)											
05 DIVISION OF PLANT & PROPERTY (CONT.)											
03 BUREAU OF PLANNING & MGMT (CONT.)											
02 TELECOMMUNICATIONS (CONT.)											
INSERT IN PLACE THEREOF											
GENERAL FUND											
TOTAL											
95,161											
95,161											
109,595											
109,595											
STRIKE OUT AFTER SOURCE OF FUNDS											
-											
THE DIRECTOR OF PLANT AND PROPERTY MANAGEMENT											
IS AUTHORIZED TO ASSESS A FAIR AND EQUITABLE											
CHARGE WITH RESPECT TO TELECOMMUNICATION											
SERVICES, EQUIPMENT, SUPPLIES AND PUBLICATIONS,											
SUCH CHARGES TO BE MADE AGAINST DEPARTMENTAL OR											
INSTITUTIONAL APPROPRIATIONS UPON REQUISITION											
AND DELIVERY. FUNDS ARISING FROM SUCH CHARGES											
SHALL BE SEPARATELY ACCOUNTED FOR, AND ARE											
HEREBY APPROPRIATED TO AND MADE AVAILABLE FOR											
EXPENDITURE BY THE DIRECTOR OF PLANT AND PROP-											
ERTY MANAGEMENT, SUBJECT TO THE APPROVAL OF											
THE FISCAL COMMITTEE AND THE GOVERNOR AND											
THE GOVERNOR AND COUNCIL.											
INSERT IN PLACE THEREOF											
-											
THE DIRECTOR OF PLANT AND PROPERTY MANAGEMENT											
IS AUTHORIZED TO ASSESS A FAIR AND EQUITABLE											
CHARGE WITH RESPECT TO TELECOMMUNICATION											
SERVICES, EQUIPMENT, SUPPLIES AND PUBLICATIONS,											
SUCH CHARGES TO BE MADE AGAINST DEPARTMENTAL OR											
INSTITUTIONAL APPROPRIATIONS UPON REQUISITION											
AND DELIVERY. FUNDS ARISING FROM SUCH CHARGES											
SHALL BE SEPARATELY ACCOUNTED FOR, AND ARE											
HEREBY APPROPRIATED TO AND MADE AVAILABLE FOR											
EXPENDITURE BY THE DIRECTOR OF PLANT AND PROP-											
ERTY MANAGEMENT, SUBJECT TO THE APPROVAL OF											
THE FISCAL COMMITTEE AND THE GOVERNOR AND											
COUNCIL.											
TOTAL											
182,664											
201,136											

AMENDMENTS TO		FISCAL YEAR 1988		FISCAL YEAR 1989	
HB0300		FISCAL YEAR 1988		FISCAL YEAR 1989	
PAGE 14 05/01/87		FISCAL YEAR 1988		FISCAL YEAR 1989	
(CONT.) (CONT.) (CONT.) (CONT.)					
01 GENERAL GOVERNMENT 04 DEPARTMENT OF ADMINISTRATIVE SERVICES 05 DIVISION OF PLANT & PROPERTY 03 BUREAU OF PLANNING & MGMT					
ESTIMATED SOURCE OF FUNDS FOR BUREAU OF PLANNING & MGMT GENERAL FUNDS TOTAL					
		182,664	201,136	182,664	201,136
01 GENERAL GOVERNMENT 04 DEPARTMENT OF ADMINISTRATIVE SERVICES 05 DIVISION OF PLANT & PROPERTY 05 BUREAU OF GENERAL SERVICES 01 GENERAL SERVICES ADMINISTRATION					
STRIKE OUT * THE FUNDS IN THIS APPROPRIATION ARE FOR THE PURPOSE OF GENERAL BUILDING AND GROUNDS MAINTENANCE AT ANY OF THE SEVERAL COMPLEXES UNDER THE CONTROL OF THE DEPARTMENT OF ADMINISTRATIVE SERVICES.					
INSERT IN PLACE THEREOF * THE FUNDS IN THIS APPROPRIATION ARE FOR THE PURPOSE OF GENERAL BUILDING AND GROUNDS MAINTENANCE AT ANY OF THE SEVERAL COMPLEXES UNDER THE CONTROL OF THE DEPARTMENT OF ADMINISTRATIVE SERVICES, AND MAY BE EXPENDED WITH THE PRIOR APPROVAL OF THE FISCAL COMMITTEE.					
01 GENERAL GOVERNMENT 04 DEPARTMENT OF ADMINISTRATIVE SERVICES 05 DIVISION OF PLANT & PROPERTY 05 BUREAU OF GENERAL SERVICES 04 OLD MILL #1					
		16,000	16,000	16,000	16,000
STRIKE OUT 48 CONT. MAINT BLOGS & GROUNDS					

AMENDMENTS TO	PAGE	15	05/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
(CONT-) (CONT-) (CONT-) (CONT-) (CONT-)					
01 GENERAL GOVERNMENT					
04 DEPARTMENT OF ADMINISTRATIVE SERVICES					
05 DIVISION OF PLANT & PROPERTY					
05 BUREAU OF GENERAL SERVICES					
04 OLD MILL #1					
INSERT IN PLACE THEREOF					
48 CONT. MAINT BLDGS & GROUNDS			16,000		16,000
TOTAL			139,525		143,634
01 GENERAL GOVERNMENT					
04 DEPARTMENT OF ADMINISTRATIVE SERVICES					
05 DIVISION OF PLANT & PROPERTY					
05 BUREAU OF GENERAL SERVICES					
05 HEALTH & HUMAN SVCS BLDG					
STRIKE OUT					
48 CONT. MAINT BLDGS & GROUNDS			109,508		102,811
INSERT IN PLACE THEREOF					
48 CONT. MAINT BLDGS & GROUNDS			109,508		102,811
TOTAL			1735,884		1780,170
01 GENERAL GOVERNMENT					
04 DEPARTMENT OF ADMINISTRATIVE SERVICES					
05 DIVISION OF PLANT & PROPERTY					
05 BUREAU OF GENERAL SERVICES					
07 ANDERSON BUILDING					
STRIKE OUT					
48 CONT. MAINT BLDGS & GROUNDS			8,446		2,067
INSERT IN PLACE THEREOF					
48 CONT. MAINT BLDGS & GROUNDS			8,446		2,067
TOTAL			27,520		21,534
01 GENERAL GOVERNMENT					
04 DEPARTMENT OF ADMINISTRATIVE SERVICES					
05 DIVISION OF PLANT & PROPERTY					
05 BUREAU OF GENERAL SERVICES					
08 SAFETY BUILDING					
STRIKE OUT					
48 CONT. MAINT BLDGS & GROUNDS			68,639		62,100



AMENDMENTS TO	PAGE	16	05/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
H80300					
01 GENERAL GOVERNMENT					
04 DEPARTMENT OF ADMINISTRATIVE SERVICES					
05 DIVISION OF PLANT & PROPERTY					
05 BUREAU OF GENERAL SERVICES					
08 SAFETY BUILDING					
INSERT IN PLACE THEREOF					
48 CONT. MAINT BLDGS & GROUNDS	G			62,100	
TOTAL				387,772	399,740
01 GENERAL GOVERNMENT					
04 DEPARTMENT OF ADMINISTRATIVE SERVICES					
05 DIVISION OF PLANT & PROPERTY					
05 BUREAU OF GENERAL SERVICES					
09 MORTON BUILDING					
STRIKE OUT					
48 CONT. MAINT BLDGS & GROUNDS				6,400	
INSERT IN PLACE THEREOF					
48 CONT. MAINT BLDGS & GROUNDS	G			6,400	
TOTAL				271,830	280,160
01 GENERAL GOVERNMENT					
04 DEPARTMENT OF ADMINISTRATIVE SERVICES					
05 DIVISION OF PLANT & PROPERTY					
05 BUREAU OF GENERAL SERVICES					
10 LONDERGAN HALL					
STRIKE OUT					
48 CONT. MAINT BLDGS & GROUNDS				134,500	
INSERT IN PLACE THEREOF					
48 CONT. MAINT BLDGS & GROUNDS	G			134,500	
TOTAL				329,872	336,989
01 GENERAL GOVERNMENT					
04 DEPARTMENT OF ADMINISTRATIVE SERVICES					
05 DIVISION OF PLANT & PROPERTY					
05 BUREAU OF GENERAL SERVICES					
11 JOHNSON HALL					
STRIKE OUT					
48 CONT. MAINT BLDGS & GROUNDS					
TOTAL					53,628
01 GENERAL GOVERNMENT					
04 DEPARTMENT OF ADMINISTRATIVE SERVICES					
05 DIVISION OF PLANT & PROPERTY					
05 BUREAU OF GENERAL SERVICES					
11 JOHNSON HALL					
STRIKE OUT					
48 CONT. MAINT BLDGS & GROUNDS					53,133

AMENDMENTS TO	PAGE	17	05/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
H60300						
01 GENERAL GOVERNMENT				(CONT.)		
04 DEPARTMENT OF ADMINISTRATIVE SERVICES				(CONT.)		
05 DIVISION OF PLANT & PROPERTY				(CONT.)		
05 BUREAU OF GENERAL SERVICES				(CONT.)		
11 JOHNSON HALL						
INSERT IN PLACE THEREOF						
48 CONT. MAINT BLDGS & GROUNDS				G	53,628	53,133
TOTAL					139,940	148,939
TOTAL					5136,610	5057,638
ESTIMATED SOURCE OF FUNDS FOR						
BUREAU OF GENERAL SERVICES						
GENERAL FUNDS					2091,267	1925,502
OTHER FUNDS					3045,343	3132,136
TOTAL					5136,610	5057,638
TOTAL					7563,626	7583,766
ESTIMATED SOURCE OF FUNDS FOR						
DIVISION OF PLANT & PROPERTY						
FEDERAL FUNDS					165,208	165,208
GENERAL FUNDS					3107,178	3000,510
OTHER FUNDS					4291,240	4418,048
TOTAL					7563,626	7583,766
TOTAL					20250,419	20752,253
ESTIMATED SOURCE OF FUNDS FOR						
DEPARTMENT OF ADMINISTRATIVE SERVICES						
FEDERAL FUNDS					165,208	165,208
GENERAL FUNDS					12352,673	12899,625
OTHER FUNDS					7732,538	7887,420
TOTAL					20250,419	20752,253
01 GENERAL GOVERNMENT						
06 LIBRARIES, ARTS, & HISTORIC RES.						
02 STATE LIBRARY						
01 CENTRAL LIBRARY SERVICES						
STRIKE OUT						
10 PERSONAL SERVICES - PERMANENT					331,208	345,290
INSERT IN PLACE THEREOF						
10 PERSONAL SERVICES - PERMANENT					310,713	323,918

AMENDMENTS TO	PAGE	18	05/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
(CONT.)					
01 GENERAL GOVERNMENT					
06 LIBRARIES, ARTS, & HISTORIC RES.					
02 STATE LIBRARY					
01 CENTRAL LIBRARY SERVICES					
(CONT.)					
STRIKE OUT					
60 BENEFITS		78,568		86,018	
INSERT IN PLACE THEREOF					
60 BENEFITS		74,264		81,317	
TOTAL			728,774		754,771
ESTIMATED SOURCE OF FUNDS FOR					
CENTRAL LIBRARY SERVICES					
STRIKE OUT					
GENERAL FUND			753,573		780,844
INSERT IN PLACE THEREOF					
GENERAL FUND			728,774		754,771
TOTAL			728,774		754,771
TOTAL			2279,848		2362,610
ESTIMATED SOURCE OF FUNDS FOR					
STATE LIBRARY					
FEDERAL FUNDS			610,948		627,897
GENERAL FUNDS			1668,900		1734,713
TOTAL			2279,848		2362,610
TOTAL			3590,795		3703,893
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
LIBRARIES, ARTS, & HISTORIC RES.					
FEDERAL FUNDS			1270,467		1296,865
GENERAL FUNDS			2320,328		2407,028
TOTAL			3590,795		3703,893
01 GENERAL GOVERNMENT					
08 STATE TREASURY					
03 SPECIAL GENERAL FUND DISTRIB					
STRIKE OUT					
91 DEBT SERVICE			33466,000		37730,000
INSERT IN PLACE THEREOF					
91 DEBT SERVICE			32466,000		36230,000

AMENDMENTS TO	PAGE	19 05/01/87		FISCAL YEAR 1988	FISCAL YEAR 1989
<hr/>					
01 GENERAL GOVERNMENT			(CONT.)		
06 STATE TREASURY			(CONT.)		
03 SPECIAL GENERAL FUND DISTRIB			(CONT.)		
<hr/>					
STRIKE OUT					
96 STATE REVENUE SHARING				51444,966	51444,966
INSERT IN PLACE THEREOF					
96 STATE REVENUE SHARING				46444,966	46444,966
<hr/>					
TOTAL				86012,191	89915,429
ESTIMATED SOURCE OF FUNDS FOR					
SPECIAL GENERAL FUND DISTRIB					
STRIKE OUT				91102,351	95511,776
GENERAL FUND					
INSERT IN PLACE THEREOF				85102,351	89011,776
GENERAL FUND				86012,191	89915,429
TOTAL				86780,562	90724,003
<hr/>					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
STATE TREASURY				85870,722	89820,350
GENERAL FUNDS				909,840	903,653
OTHER FUNDS				86780,562	90724,003
TOTAL				167043,683	172391,187
<hr/>					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
GENERAL GOVERNMENT				29026,769	28442,383
FEDERAL FUNDS				126123,301	132057,307
GENERAL FUNDS				11893,613	11891,497
OTHER FUNDS				167043,683	172391,187
TOTAL					
<hr/>					
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
01 JUDICIAL BRANCH					
01 SUPREME COURT					
<hr/>					
STRIKE OUT				1330,848	1395,900
10 PERSONAL SERVICES - PERMANENT					

AMENDMENTS TO	PAGE	20	05/01/87		FISCAL YEAR 1988	FISCAL YEAR 1989
HD0300						
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION						
01 JUDICIAL BRANCH						
01 SUPREME COURT						
INSERT IN PLACE THEREOF						
10 PERSONAL SERVICES - PERMANENT				1292,761		1354,875
STRIKE OUT						
30 EQUIPMENT				25,500		25,500
INSERT IN PLACE THEREOF						
30 EQUIPMENT				17,500		22,400
STRIKE OUT						
60 BENEFITS				374,975		411,905
INSERT IN PLACE THEREOF						
60 BENEFITS				366,977		402,880
TOTAL					2668,503	2808,542
ESTIMATED SOURCE OF FUNDS* FOR						
SUPREME COURT						
STRIKE OUT						
GENERAL FUND				2722,588		2861,692
INSERT IN PLACE THEREOF						
GENERAL FUND				2668,503		2808,542
TOTAL					2668,503	2808,542
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION						
01 JUDICIAL BRANCH						
02 SUPERIOR COURT						
STRIKE OUT						
10 PERSONAL SERVICES - PERMANENT				4125,960		4,431,881
INSERT IN PLACE THEREOF						
10 PERSONAL SERVICES - PERMANENT				4100,328		4,403,931
STRIKE OUT						
30 EQUIPMENT				99,050		72,650
INSERT IN PLACE THEREOF						
30 EQUIPMENT				94,515		63,600
STRIKE OUT						
52 MASTERS - FICA				440,000		440,000
INSERT IN PLACE THEREOF						
52 MARITAL MASTERS - FICA				330,000		330,000



AMENDMENTS TO HB0300	PAGE	21	05/01/87		FISCAL YEAR 1988	FISCAL YEAR 1989
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.) 01 JUDICIAL BRANCH (CONT.) 02 SUPERIOR COURT (CONT.)						
STRIKE OUT					1084,876	1219,052
60 BENEFITS						
INSERT IN PLACE THEREOF					1071,628	1204,642
60 BENEFITS						
STRIKE OUT					17,664	17,664
90 ACTING JUDGE /MASTERS						
INSERT					468,000	468,000
94 SHERIFF REIMBURSEMENT						
STRIKE OUT						
<p>WITHIN THIS APPROPRIATION IS FUNDING FOR NOT MORE THAN 8 FULL-TIME MASTERS TO BE COMPENSATED IN AN AMOUNT NOT TO EXCEED \$55,000 EACH FISCAL YEAR. THESE MASTERS MAY ELECT HEALTH INSURANCE BENEFITS, OR MAY BE FURTHER COMPENSATED IN AN AMOUNT EQUAL TO THE RATE FOR HEALTH INSURANCE PROVIDED TO STATE EMPLOYEES IN THIS ACT. NO OTHER BENEFITS WILL BE PROVIDED.</p>						
INSERT IN PLACE THEREOF						
<p>WITHIN THIS APPROPRIATION IS FUNDING FOR NOT MORE THAN 6 FULL-TIME MASTERS TO BE COMPENSATED IN AN AMOUNT NOT TO EXCEED \$55,000 EACH FISCAL YEAR. NO BENEFITS WILL BE PROVIDED. THE ADMINISTRATIVE OFFICE OF THE COURT WILL SUBMIT A REPORT BY DECEMBER 1, 1988 TO THE SPEAKER OF THE HOUSE AND THE PRESIDENT OF THE SENATE CONCERNING THE FULL-TIME MARITAL MASTERS PROGRAM, INCLUDING BUT NOT LIMITED TO AN ANALYSIS OF CASELOADS AND PROGRESS ON THE REDUCTION IN THE BACKLOG OF CASES.</p>						
TOTAL					10317,331	10796,639
ESTIMATED SOURCE OF FUNDS FOR SUPERIOR COURT						

AMENDMENTS TO	PAGE	22	05/01/87		FISCAL YEAR 1988	FISCAL YEAR 1989
HBO300				(CONT.)		
O2 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION				(CONT.)		
O1 JUDICIAL BRANCH				(CONT.)		
O2 SUPERIOR COURT				(CONT.)		
STRIKE OUT						
O1 TRANSFERS FROM OTHER AGENCIES				124,485	124,485	124,485
INSERT IN PLACE THEREOF						
O1 TRANSFERS FROM OTHER AGENCIES				104,882	104,882	104,882
STRIKE OUT						
GENERAL FUND				8895,925	8895,925	9383,228
INSERT IN PLACE THEREOF				9212,449	9212,449	9691,757
GENERAL FUND				10317,331	10317,331	10796,639
TOTAL						
O2 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION						
O1 JUDICIAL BRANCH						
O3 PROBATE COURT						
STRIKE OUT						
10 PERSONAL SERVICES - PERMANENT				1183,792		1247,927
INSERT IN PLACE THEREOF						
10 PERSONAL SERVICES - PERMANENT				1161,403		1224,418
STRIKE OUT						
30 EQUIPMENT				76,565		46,530
INSERT IN PLACE THEREOF						
30 EQUIPMENT				69,065		45,090
STRIKE OUT						
60 BENEFITS				302,781		333,395
INSERT IN PLACE THEREOF						
60 BENEFITS				298,080		328,223
STRIKE OUT						
93 COURT COMPUTERIZATION				50,000		50,000
TOTAL					1932,954	2008,931
ESTIMATED SOURCE OF FUNDS FOR						
PROBATE COURT						
STRIKE OUT						
GENERAL FUND						
INSERT IN PLACE THEREOF						
GENERAL FUND					2017,544	2089,052
TOTAL					1932,954	2008,931

AMENDMENTS TO	PAGE	23	05/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
HB0300					
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)					
01 JUDICIAL BRANCH (CONT.)					
03 PROBATE COURT (CONT.)					
TOTAL				1932,954	2008,931
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
01 JUDICIAL BRANCH					
04 DISTRICT COURT					
STRIKE OUT					
92 COURT COMPUTERIZATION				100,000	100,000
TOTAL				7792,152	8184,815
ESTIMATED SOURCE OF FUNDS FOR					
DISTRICT COURT					
STRIKE OUT					
GENERAL FUND				6892,152	7284,815
INSERT IN PLACE THEREOF				6792,152	7184,815
GENERAL FUND				7792,152	8184,815
TOTAL					
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
01 JUDICIAL BRANCH					
06 JUDICIAL BRANCH PROGRAMS					
STRIKE OUT					
90 LIBRARY				150,000	100,000
INSERT IN PLACE THEREOF				100,000	100,000
90 LIBRARY					
STRIKE OUT					
INCLUDED IN THIS APPROPRIATION FOR FY 1988 ARE					
FUNDS NOT TO EXCEED \$50,000 FOR HIRING A					
CONSULTANT TO STUDY THE LAW LIBRARY WHO SHALL					
BE LAW AND LIBRARY SCIENCE TRAINED AND WHO					

AMENDMENTS TO  
HB0300  
PAGE 24 05/01/87

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
01 JUDICIAL BRANCH (CONT.)  
06 JUDICIAL BRANCH PROGRAMS (CONT.)

SHALL PERFORM DUTIES AS PRESCRIBED BY THE CHIEF JUSTICE, SUPREME COURT IN CONSULTATION WITH THE COMMISSIONER, LIBRARIES, ARTS, AND HISTORICAL RESOURCES.

TOTAL	3350.000
ESTIMATED SOURCE OF FUNDS FOR	
JUDICIAL BRANCH PROGRAMS	
STRIKE OUT	
GENERAL FUND	3400.000
IN PLACE THEREOF	
GENERAL FUND	3350.000
TOTAL	3350.000

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
01 JUDICIAL BRANCH  
08

STRIKE OUT			
10 PERSONAL SERVICES - PERMANENT	331,349		366,514
STRIKE OUT			
20 CURRENT EXPENSES	12,850		12,850
STRIKE OUT			
30 EQUIPMENT	217,800		25,000
STRIKE OUT			
60 BENEFITS	67,533		75,636
STRIKE OUT			
70 IN-STATE TRAVEL	10,000		10,000
STRIKE OUT			
90 SHERIFF REIMBURSEMENT	468,000		468,000

ESTIMATED SOURCE OF FUNDS FOR	
STRIKE OUT	1107,532
GENERAL FUND	938,000

AMENDMENTS TO	PAGE	25	05/01/87			----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
H80300							
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)							
01 JUDICIAL BRANCH (CONT.)							
08							
TOTAL						26253,731	27336,918
ESTIMATED SOURCE OF FUNDS FOR							
JUDICIAL BRANCH							
GENERAL FUNDS						24148,849	25232,036
OTHER FUNDS						2104,882	2104,882
TOTAL						26253,731	27336,918
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION							
02 ADJUTANT GENERAL DEPARTMENT							
01 NEW HAMPSHIRE NATIONAL GUARD							
01 CENTRAL ADMINISTRATIVE OFFICE							
STRIKE OUT							
48 CONT. MAINT BLDGS & GROUNDS				41,540	30,500		
INSERT IN PLACE THEREOF							
48 CONT. MAINT BLDGS & GROUNDS				41,540	30,500		
TOTAL						1395,694	1450,302
TOTAL						2019,569	2089,143
ESTIMATED SOURCE OF FUNDS FOR							
NEW HAMPSHIRE NATIONAL GUARD							
FEDERAL FUNDS						485,518	497,804
GENERAL FUNDS						1516,371	1573,659
OTHER FUNDS						17,680	17,680
TOTAL						2019,569	2089,143
TOTAL						2019,569	2089,143
ESTIMATED SOURCE OF FUNDS FOR							
ADJUTANT GENERAL DEPARTMENT							
FEDERAL FUNDS						485,518	497,804
GENERAL FUNDS						1516,371	1573,659
OTHER FUNDS						17,680	17,680
TOTAL						2019,569	2089,143
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION							
03 AGRICULTURE							
01 OFFICE OF COMMISSIONER							
STRIKE OUT							
48 CONT. MAINT BLDGS & GROUNDS							7,000



AMENDMENTS TO	PAGE	26	05/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
H80300						
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)						
03 AGRICULTURE (CONT.)						
01 OFFICE OF COMMISSIONER (CONT.)						
INSERT IN PLACE THEREOF						
48	CONT - MAINT BLDGS & GROUNDS	G	7,000			
STRIKE OUT						
91	DISTRIBUTION TO FAIRS	*	125,000		125,000	
INSERT IN PLACE THEREOF						
91	DISTRIBUTION TO FAIRS	*	150,000		150,000	
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR				529,775		544,884
OFFICE OF COMMISSIONER						
STRIKE OUT						
GENERAL FUND				504,775		519,884
INSERT IN PLACE THEREOF						
GENERAL FUND				529,775		544,884
TOTAL				529,775		544,884
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR				1889,992		1859,987
AGRICULTURE						
FEDERAL FUNDS				17,499		17,528
GENERAL FUNDS				1852,293		1822,259
OTHER FUNDS				20,200		20,200
TOTAL				1869,992		1859,987
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION						
04 ATTORNEY GENERAL						
01 DIVISION OF ADMINISTRATION						
01 ADMINISTRATIVE						
STRIKE OUT						
10 PERSONAL SERVICES - PERMANENT				143,308		149,562
INSERT IN PLACE THEREOF						
10 PERSONAL SERVICES - PERMANENT				131,413		137,180
STRIKE OUT						
60 BENEFITS				54,327		59,249
INSERT IN PLACE THEREOF						
60 BENEFITS				51,829		56,525

AMENDMENTS TO		PAGE	27	05/01/87	----- FISCAL YEAR 1988 -----		----- FISCAL YEAR 1989 -----	
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.) 04 ATTORNEY GENERAL (CONT.) 01 DIVISION OF ADMINISTRATION (CONT.) 01 ADMINISTRATIVE (CONT.)								
TOTAL					407,568		429,224	
ESTIMATED SOURCE OF FUNDS FOR								
ADMINISTRATIVE								
STRIKE OUT					421,961		444,330	
GENERAL FUND								
INSERT IN PLACE THEREOF					407,568		429,224	
GENERAL FUND					407,568		429,224	
TOTAL								
TOTAL					469,655		494,485	
ESTIMATED SOURCE OF FUNDS FOR								
DIVISION OF ADMINISTRATION								
FEDERAL FUNDS					40,000		40,000	
GENERAL FUNDS					429,655		454,485	
TOTAL					469,655		494,485	
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION								
04 ATTORNEY GENERAL								
02 DIVISION OF PUBLIC PROTECTION								
01 CRIMINAL JUSTICE								
STRIKE OUT								
96 RENOVATION					80,000			
INSERT IN PLACE THEREOF					60,000			
96 RENOVATION								
TOTAL					933,692		968,057	
ESTIMATED SOURCE OF FUNDS FOR								
CRIMINAL JUSTICE								
STRIKE OUT								
GENERAL FUND					913,769		927,351	
INSERT IN PLACE THEREOF								
GENERAL FUND					893,769		927,351	
TOTAL					933,692		968,057	
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION								
04 ATTORNEY GENERAL								
02 DIVISION OF PUBLIC PROTECTION								
02 CONSUMER PROTECTION								
STRIKE OUT								
10 PERSONAL SERVICES - PERMANENT					107,462		145,060	

AMENDMENTS TO	PAGE	28	05/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
HB0300					
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
04 ATTORNEY GENERAL					
02 DIVISION OF PUBLIC PROTECTION					
02 CONSUMER PROTECTION					
(CONT.)					
(CONT.)					
(CONT.)					
INSERT IN PLACE THEREOF				107,462	128,407
10 PERSONAL SERVICES - PERMANENT					
STRIKE OUT				16,185	20,785
20 CURRENT EXPENSES					
INSERT IN PLACE THEREOF				16,185	19,585
20 CURRENT EXPENSES					
STRIKE OUT				13,250	7,700
30 EQUIPMENT					
INSERT IN PLACE THEREOF				13,250	5,250
30 EQUIPMENT					
STRIKE OUT				75,936	96,860
60 BENEFITS					
INSERT IN PLACE THEREOF				75,936	93,196
60 BENEFITS					
STRIKE OUT				3,550	4,150
70 IN-STATE TRAVEL					
INSERT IN PLACE THEREOF				3,550	4,050
70 IN-STATE TRAVEL					
STRIKE OUT				3,125	3,725
80 OUT-OF-STATE TRAVEL					
INSERT IN PLACE THEREOF				3,125	3,625
80 OUT-OF-STATE TRAVEL					
TOTAL				476,196	551,876
ESTIMATED SOURCE OF FUNDS FOR					
CONSUMER PROTECTION					
STRIKE OUT				476,196	576,043
GENERAL FUND					
INSERT IN PLACE THEREOF				476,196	551,876
GENERAL FUND				476,196	551,876
TOTAL					
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
04 ATTORNEY GENERAL					
02 DIVISION OF PUBLIC PROTECTION					
04 ENVIRONMENTAL					
STRIKE OUT				68,975	107,324
10 PERSONAL SERVICES - PERMANENT					

AMENDMENTS TO	PAGE	29	05/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.) 04 ATTORNEY GENERAL (CONT.) 02 DIVISION OF PUBLIC PROTECTION (CONT.) 04 ENVIRONMENTAL (CONT.)						
INSERT IN PLACE THEREOF				68,975	88,468	
10 PERSONAL SERVICES - PERMANENT						
STRIKE OUT				206,437	250,295	
13 ASSISTANT ATTORNEYS GENERAL *				206,437	218,857	
INSERT IN PLACE THEREOF						
13 ASSISTANT ATTORNEYS GENERAL *				20,450	25,050	
STRIKE OUT				20,450	22,650	
20 CURRENT EXPENSES						
INSERT IN PLACE THEREOF				2,225	7,700	
20 CURRENT EXPENSES						
STRIKE OUT				2,225	2,800	
30 EQUIPMENT				64,438	85,858	
INSERT IN PLACE THEREOF				64,438	74,794	
30 EQUIPMENT						
STRIKE OUT				2,000	2,600	
60 BENEFITS						
INSERT IN PLACE THEREOF				2,000	2,000	
60 BENEFITS						
STRIKE OUT				2,650	3,250	
70 IN-STATE TRAVEL						
INSERT IN PLACE THEREOF				2,650	2,650	
70 IN-STATE TRAVEL						
STRIKE OUT						
80 OUT-OF-STATE TRAVEL						
INSERT IN PLACE THEREOF						
80 OUT-OF-STATE TRAVEL						
STRIKE OUT						
* THE FOLLOWING POSITION IS AUTHORIZED BEGINNING 9/1/87: POSITION NUMBER 00002; BEGINNING 9/1/88: POSITION NUMBER 00003.						
INSERT IN PLACE THEREOF						
* THE FOLLOWING POSITION IS AUTHORIZED BEGINNING 9/1/87: POSITION NUMBER 00002.						

AMENDMENTS TO	PAGE	30	05/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)					
04 ATTORNEY GENERAL (CONT.)					
02 DIVISION OF PUBLIC PROTECTION (CONT.)					
04 ENVIRONMENTAL					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
ENVIRONMENTAL			404,110		450,368
STRIKE OUT					
GENERAL FUND			289,776		405,392
INSERT IN PLACE THEREOF			289,776		335,534
GENERAL FUND			404,110		450,368
TOTAL					
TOTAL			2297,200		2462,138
ESTIMATED SOURCE OF FUNDS FOR					
DIVISION OF PUBLIC PROTECTION					
FEDERAL FUNDS			193,431		201,392
GENERAL FUNDS			1865,532		2016,085
OTHER FUNDS			238,177		244,661
TOTAL			2297,200		2462,138
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
04 ATTORNEY GENERAL					
03 DIVISION OF LEGAL COUNSEL					
01 CIVIL LAW					
STRIKE OUT					
13 ASSISTANT ATTORNEYS GENERAL			621,662		656,891
INSERT IN PLACE THEREOF			590,224		623,568
13 ASSISTANT ATTORNEYS GENERAL					
STRIKE OUT			31,200		33,200
20 CURRENT EXPENSES					
INSERT IN PLACE THEREOF			30,000		32,000
20 CURRENT EXPENSES					
STRIKE OUT			2,225		
30 EQUIPMENT					
STRIKE OUT					
60 BENEFITS			166,363		182,525
INSERT IN PLACE THEREOF			159,761		175,194
60 BENEFITS					



AMENDMENTS TO		PAGE		51 05/01/87		----- FISCAL YEAR 1988 -----		----- FISCAL YEAR 1989 -----	
HB0300									
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)									
04 ATTORNEY GENERAL (CONT.)									
03 DIVISION OF LEGAL COUNSEL (CONT.)									
01 CIVIL LAW (CONT.)									
STRIKE OUT									
70 IN-STATE TRAVEL						1,600		1,700	
INSERT IN PLACE THEREOF						1,100		1,200	
STRIKE OUT									
70 IN-STATE TRAVEL						6,500		6,500	
STRIKE OUT									
80 OUT-OF-STATE TRAVEL						6,000		6,000	
INSERT IN PLACE THEREOF									
80 OUT-OF-STATE TRAVEL									
STRIKE OUT									
* THE FOLLOWING POSITION IS AUTHORIZED BEGINNING									
9/1/87: POSITION NUMBER 00006.									
TOTAL						961,328		1014,529	
ESTIMATED SOURCE OF FUNDS FOR									
CIVIL LAW									
STRIKE OUT									
GENERAL FUND						885,401		934,782	
INSERT IN PLACE THEREOF						842,936		891,928	
GENERAL FUND						961,328		1014,529	
TOTAL									
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION									
04 ATTORNEY GENERAL									
03 DIVISION OF LEGAL COUNSEL									
04 TRANSPORTATION									
STRIKE OUT									
10 PERSONAL SERVICES - PERMANENT						70,360		73,150	
INSERT IN PLACE THEREOF									
10 PERSONAL SERVICES - PERMANENT						36,704		38,109	
STRIKE OUT									
13 PERSONAL SERVICES-UNCLASSIFIED *						193,762		204,436	
INSERT IN PLACE THEREOF									
13 PERSONAL SERVICES-UNCLASSIFIED						162,324		171,113	

AMENDMENTS TO	PAGE	32	05/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)						
04 ATTORNEY GENERAL (CONT.)						
03 DIVISION OF LEGAL COUNSEL (CONT.)						
04 TRANSPORTATION (CONT.)						
STRIKE OUT				16,477	16,477	
ESTIMATED CURRENT EXPENSES						
INSERT IN PLACE THEREOF				12,877	12,877	
STRIKE OUT				9,150		
ESTIMATED CURRENT EXPENSES						
INSERT IN PLACE THEREOF				2,200		
STRIKE OUT				55,466		
ESTIMATED CURRENT EXPENSES						
INSERT IN PLACE THEREOF				41,796		
STRIKE OUT				1,100		
ESTIMATED CURRENT EXPENSES						
INSERT IN PLACE THEREOF				500		
STRIKE OUT				1,450		
ESTIMATED CURRENT EXPENSES						
INSERT IN PLACE THEREOF				850		
STRIKE OUT						
TOTAL				258,901	271,728	
ESTIMATED SOURCE OF FUNDS FOR						
TRANSPORTATION						
STRIKE OUT				349,415		
ESTIMATED SOURCE OF FUNDS FOR						
TRANSPORTATION						
INSERT IN PLACE THEREOF				258,901		
STRIKE OUT				258,901		
TOTAL				1345,772	1423,763	
ESTIMATED SOURCE OF FUNDS FOR						
DIVISION OF LEGAL COUNSEL						

THE FOLLOWING POSITION IS AUTHORIZED BEGINNING  
9/1/87: POSITION NUMBER 99993.

AMENDMENTS TO	PAGE	33	05/01/87		FISCAL YEAR 1988	FISCAL YEAR 1989
H80300						
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)						
04 ATTORNEY GENERAL (CONT.)						
03 DIVISION OF LEGAL COUNSEL (CONT.)						
GENERAL FUNDS						
OTHER FUNDS						
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
ATTORNEY GENERAL						
FEDERAL FUNDS						
GENERAL FUNDS						
OTHER FUNDS						
TOTAL						
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION						
05 BANK COMMISSION						
02 SMALL LOAN & VEHICLE FINANCE						
STRIKE OUT						
10 PERSONAL SERVICES - PERMANENT						
INSERT IN PLACE THEREOF						
10 PERSONAL SERVICES - PERMANENT						
STRIKE OUT						
60 BENEFITS						
INSERT IN PLACE THEREOF						
60 BENEFITS						
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
SMALL LOAN & VEHICLE FINANCE						
STRIKE OUT						
09 EXAMINATION-SMALL LOANS						
INSERT IN PLACE THEREOF						
09 1ST & 2ND MTG LOAN - BANK COM						
TOTAL						
TOTAL						

AMENDMENTS TO		PAGE		34 05/01/87				----- FISCAL YEAR 1988 -----		----- FISCAL YEAR 1989 -----	
HB0300											
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)											
05 BANK COMMISSION (CONT.)											
ESTIMATED SOURCE OF FUNDS FOR											
BANK COMMISSION											
OTHER FUNDS											
TOTAL											
1205,542											
1241,187											
1205,542											
1241,187											
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION											
06 REGULATORY BOARDS AND COMMISSIONS											
04											
STRIKE OUT											
20 CURRENT EXPENSES											
STRIKE OUT											
50 OTHER PERSONAL SERVICES											
STRIKE OUT											
60 BENEFITS											
STRIKE OUT											
70 IN-STATE TRAVEL											
STRIKE OUT											
80 OUT-OF-STATE TRAVEL											
5,258											
5,361											
4,885											
4,981											
349											
374											
1,938											
1,976											
964											
983											
ESTIMATED SOURCE OF FUNDS FOR											
STRIKE OUT											
GENERAL FUND											
13,394											
13,675											
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION											
06 REGULATORY BOARDS AND COMMISSIONS											
09 COMM STATUS OF WOMEN											
STRIKE OUT											
10 PERSONAL SERVICES - PERMANENT											
INSERT IN PLACE THEREOF											
10 PERSONAL SERVICES - PERMANENT											
16,653											
17,355											
23,244											
24,297											

AMENDMENTS TO	PAGE	35	05/01/87		FISCAL YEAR 1988	FISCAL YEAR 1989
H80300						
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)						
06 REGULATORY BOARDS AND COMMISSIONS (CONT.)						
09 COMM STATUS OF WOMEN (CONT.)						
STRIKE OUT						
60 BENEFITS						
INSERT IN PLACE THEREOF						
60 BENEFITS						
STRIKE OUT						
70 IN-STATE TRAVEL						
INSERT IN PLACE THEREOF						
70 IN-STATE TRAVEL						
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
COMM STATUS OF WOMEN						
STRIKE OUT						
GENERAL FUND						
INSERT IN PLACE THEREOF						
GENERAL FUND						
TOTAL						
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
REGULATORY BOARDS AND COMMISSIONS						
GENERAL FUNDS						
OTHER FUNDS						
TOTAL						
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION						
08 PARI-MUTUEL COMMISSION						
01 PARI-MUTUEL COMMISSION						
STRIKE OUT						
20 CURRENT EXPENSES						
INSERT IN PLACE THEREOF						
20 CURRENT EXPENSES						
STRIKE OUT						
30 OTHER PERSONAL SERVICES						
•						



AMENDMENTS TO	PAGE	36	05/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.) 08 PARI-MUTUEL COMMISSION (CONT.) 01 PARI-MUTUEL COMMISSION (CONT.)					
INSERT IN PLACE THEREOF				727,773	727,773
50 OTHER PERSONAL SERVICES					
STRIKE OUT				78,303	83,317
60 BENEFITS					
INSERT IN PLACE THEREOF				79,840	84,932
60 BENEFITS					
TOTAL				1077,920	1076,328
ESTIMATED SOURCE OF FUNDS FOR					
PARI-MUTUEL COMMISSION					
STRIKE OUT				1022,048	1020,378
GENERAL FUND				1051,685	1050,093
INSERT IN PLACE THEREOF				1077,920	1076,328
GENERAL FUND					
TOTAL					
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION 08 PARI-MUTUEL COMMISSION 02 RACING LABORATORY					
STRIKE OUT					
90 EDUCATIONAL TRAINING				5,000	5,000
INSERT IN PLACE THEREOF				2,000	2,000
90 EDUCATIONAL TRAINING					
TOTAL				392,420	401,841
ESTIMATED SOURCE OF FUNDS FOR					
RACING LABORATORY					
STRIKE OUT				395,420	404,841
GENERAL FUND					
INSERT IN PLACE THEREOF				392,420	401,841
GENERAL FUND				392,420	401,841
TOTAL				1470,340	1478,169
TOTAL					

AMENDMENTS TO	PAGE	37	05/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
<p>02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)            08 PARI-MUTUEL COMMISSION</p>						
<p>ESTIMATED SOURCE OF FUNDS FOR            PARI-MUTUEL COMMISSION            GENERAL FUNDS            OTHER FUNDS            TOTAL</p>						
					1444,105	1451,934
					26,235	26,235
					1470,340	1478,169
<p>02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION            11 INSURANCE DEPARTMENT            03 SECURITIES</p>						
<p>INSERT            10 PERSONAL SERVICES-PERMANENT</p>						
				300,728		300,728
<p>INSERT            20 CURRENT EXPENSES</p>						
				45,500		45,500
<p>INSERT            30 EQUIPMENT</p>						
				22,000		22,000
<p>INSERT            60 BENEFITS</p>						
				63,153		66,160
<p>INSERT            70 IN-STATE TRAVEL</p>						
				1,000		1,000
<p>INSERT            80 OUT-OF-STATE TRAVEL</p>						
				2,500		2,500
<p>INSERT            90 INVESTIGATORY FUND</p>						
				100,000		100,000
<p>TOTAL            ESTIMATED SOURCE OF FUNDS FOR            SECURITIES</p>						
				534,881		537,888
<p>INSERT            GENERAL FUND</p>						
				534,881		537,888
<p>TOTAL            ESTIMATED SOURCE OF FUNDS FOR            INSURANCE DEPARTMENT</p>						
				2358,637		2446,242

AMENDMENTS TO	PAGE	38	05/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
HB0300					
(CONT.)					
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
11 INSURANCE DEPARTMENT					
(CONT.)					
GENERAL FUNDS				534,881	537,888
OTHER FUNDS				1823,756	1908,354
TOTAL				2358,637	2446,242
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
13 LIQUOR COMMISSION					
01 OFFICE OF THE COMMISSIONER					
02 REGULATION					
STRIKE OUT			770,082		802,734
10 PERSONAL SERVICES - PERMANENT					
INSERT IN PLACE THEREOF			724,413		753,279
10 PERSONAL SERVICES - PERMANENT *					
STRIKE OUT			161,831		176,720
60 BENEFITS					
INSERT IN PLACE THEREOF			152,241		165,840
60 BENEFITS					
INSERT *					
POSITION NUMBERS 14292 AND 14304 ARE HEREBY					
ABOLISHED EFFECTIVE 6/1/87.					
TOTAL				1018,226	1061,091
ESTIMATED SOURCE OF FUNDS FOR					
REGULATION					
STRIKE OUT					
GENERAL FUND				1073,485	1121,426
INSERT IN PLACE THEREOF				1018,226	1061,091
GENERAL FUND				1018,226	1061,091
TOTAL					
TOTAL				1872,206	1945,928
ESTIMATED SOURCE OF FUNDS FOR					
OFFICE OF THE COMMISSIONER					
GENERAL FUNDS				1872,206	1945,928

AMENDMENTS TO HB0300	PAGE	39	05/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
(CONT.)					
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
13 LIQUOR COMMISSION					
(CONT.)					
01 OFFICE OF THE COMMISSIONER					
(CONT.)					
TOTAL					
				1872,206	1945,928
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
13 LIQUOR COMMISSION					
02 DATA PROCESSING					
STRIKE OUT					
80 OUT-OF-STATE TRAVEL					
				16,450	16,450
INSERT IN PLACE THEREOF					
80 OUT-OF-STATE TRAVEL					
				10,000	10,000
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR				848,100	921,132
DATA PROCESSING					
STRIKE OUT					
GENERAL FUND					
				854,550	927,582
INSERT IN PLACE THEREOF					
GENERAL FUND					
				848,100	921,132
				848,100	921,132
TOTAL					
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
13 LIQUOR COMMISSION					
04 MERCHANDISING					
02 STORES					
01 STORES					
STRIKE OUT					
48 CONT- MAINT BLDGS & GROUNDS					
				46,000	52,000
INSERT IN PLACE THEREOF					
48 CONT- MAINT BLDGS & GROUNDS G					
				46,000	52,000
TOTAL					
				12115,687	12752,478
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
13 LIQUOR COMMISSION					
04 MERCHANDISING					
02 STORES					
02 ADVERTISING					
STRIKE OUT					
46 CONSULTANTS					
				65,000	65,000

AMENDMENTS TO	PAGE	40	05/01/87		FISCAL YEAR 1988	FISCAL YEAR 1989
HB0300						
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION						
13 LIQUOR COMMISSION				(CONT.)		
04 MERCHANDISING				(CONT.)		
02 STORES				(CONT.)		
02 ADVERTISING				(CONT.)		
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
ADVERTISING						
STRIKE OUT						
GENERAL FUND						
INSERT IN PLACE THEREOF						
GENERAL FUND						
TOTAL						
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
STORES						
GENERAL FUNDS						
TOTAL						
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
MERCHANDISING						
GENERAL FUNDS						
TOTAL						
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION						
13 LIQUOR COMMISSION						
05 WAREHOUSE						
STRIKE OUT						
48 CONT. MAINT BLDGS & GROUNDS						
INSERT IN PLACE THEREOF						
48 CONT. MAINT BLDGS & GROUNDS						
TOTAL						
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
LIQUOR COMMISSION						



AMENDMENTS TO	PAGE	41	05/01/87		FISCAL YEAR 1988	FISCAL YEAR 1989
H80300						
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION						
15 LIQUOR COMMISSION						
(CONT.)						
GENERAL FUNDS						
TOTAL					17077,393	17928,547
					17077,393	17928,547
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION						
14 PUBLIC UTILITIES COMMISSION						
02 GAS PIPELINE						
01 GAS PIPELINE CARRIERS						
STRIKE OUT				6,235		8,250
30 EQUIPMENT						
STRIKE OUT				3,900		9,400
80 OUT-OF-STATE-TRAVEL						
INSERT						
91 TRAINING				10,135		17,650
INSERT						
THESE FUNDS ARE HEREBY APPROPRIATED FOR						
TRAINING OF GAS PIPELINE CARRIERS.						
TOTAL				75,629		86,850
TOTAL					75,629	86,850
ESTIMATED SOURCE OF FUNDS FOR						
GAS PIPELINE						
FEDERAL FUNDS						
OTHER FUNDS						
TOTAL					37,814	43,425
					37,815	43,425
					75,629	86,850
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
PUBLIC UTILITIES COMMISSION						
FEDERAL FUNDS						
OTHER FUNDS						
TOTAL					2755,936	2890,439
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION						
15 DEPARTMENT OF SAFETY						
01 ADMINISTRATION AND SUPPORT						
01 OFFICE OF COMMISSIONER						
01 OFFICE OF COMMISSIONER						
STRIKE OUT						
48 CONT. MAINT BLDGS & GROUNDS				135,500		43,425
						2847,014
						2890,439

AMENDMENTS TO	PAGE	42	05/01/87		FISCAL YEAR 1988	FISCAL YEAR 1989
HB0300						
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)						
15 DEPARTMENT OF SAFETY (CONT.)						
01 ADMINISTRATION AND SUPPORT (CONT.)						
01 OFFICE OF COMMISSIONER (CONT.)						
01 OFFICE OF COMMISSIONER						
INSERT IN PLACE THEREOF						
48 CONT. MAINT BLDGS & GROUNDS G				100,500		
TOTAL					553,086	474,309
ESTIMATED SOURCE OF FUNDS FOR						
OFFICE OF COMMISSIONER						
STRIKE OUT						
02 HIGHWAY FUNDS					588,086	474,309
INSERT IN PLACE THEREOF					553,086	474,309
02 HIGHWAY FUNDS					553,086	474,309
TOTAL						
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION						
15 DEPARTMENT OF SAFETY						
01 ADMINISTRATION AND SUPPORT						
01 OFFICE OF COMMISSIONER						
02 DATA PROCESSING UNIT						
STRIKE OUT				841,299		882,662
10 PERSONAL SERVICES - PERMANENT						
INSERT IN PLACE THEREOF				779,698		818,467
10 PERSONAL SERVICES - PERMANENT						
STRIKE OUT				25,058		25,432
20 CURRENT EXPENSES						
INSERT IN PLACE THEREOF				24,158		24,632
20 CURRENT EXPENSES						
STRIKE OUT				549,471		250,000
29 TRANSFERS TO INFO SERVICES A						
INSERT IN PLACE THEREOF				499,471		200,000
29 TRANSFERS TO INFO SERVICES A						
STRIKE OUT				3,625		1,650
30 EQUIPMENT						
INSERT IN PLACE THEREOF				1,425		1,650
30 EQUIPMENT						
STRIKE OUT				185,428		203,678
60 BENEFITS						
INSERT IN PLACE THEREOF				172,492		189,555
60 BENEFITS						



AMENDMENTS TO	PAGE	44	05/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
HB0300					
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
15 DEPARTMENT OF SAFETY					
01 ADMINISTRATION AND SUPPORT					
01 OFFICE OF COMMISSIONER					
04 SAFETY INSPECTORS					
INSERT IN PLACE THEREOF					
02 HIGHWAY FUNDS				749,056	773,380
TOTAL				749,056	773,380
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
15 DEPARTMENT OF SAFETY					
01 ADMINISTRATION AND SUPPORT					
01 OFFICE OF COMMISSIONER					
05 SAFETY INSPECTORS - FEDERAL					
ESTIMATED SOURCE OF FUNDS FOR					
SAFETY INSPECTORS - FEDERAL					
STRIKE OUT					
02 UNIFIED COURT SYSTEM				54,862	57,239
INSERT IN PLACE THEREOF				54,862	57,239
02 HIGHWAY FUNDS				274,311	286,194
TOTAL					
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
15 DEPARTMENT OF SAFETY					
01 ADMINISTRATION AND SUPPORT					
01 OFFICE OF COMMISSIONER					
06 CENTRAL MAINTENANCE					
STRIKE OUT					
90 CENTRAL MAINTENANCE				10,000	10,000
INSERT IN PLACE THEREOF				10,000	10,000
90 CENTRAL MAINTENANCE					
TOTAL				10,000	10,000
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
15 DEPARTMENT OF SAFETY					
01 ADMINISTRATION AND SUPPORT					
01 OFFICE OF COMMISSIONER					
07 EMISSION CONTROL UNIT					
INSERT					
10 PERSONAL SERVICES - PERMANENT				57,084	59,489

AMENDMENTS TO	PAUSE	45	05/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)						
15 DEPARTMENT OF SAFETY (CONT.)						
01 ADMINISTRATION AND SUPPORT (CONT.)						
01 OFFICE OF COMMISSIONER (CONT.)						
07 EMISSION CONTROL UNIT (CONT.)						
INSERT 19 PERSONAL SERVICES - PERMANENT 2,504 2,612						
INSERT 20 CURRENT EXPENSES 41,010 38,868						
INSERT 60 BENEFITS 12,514 13,663						
INSERT 70 IN-STATE TRAVEL 13,200 15,840						
INSERT 80 OUT-OF-STATE TRAVEL 6,600 3,300						
TOTAL 132,912 133,772						
ESTIMATED SOURCE OF FUNDS FOR EMISSION CONTROL UNIT						
INSERT 02 HIGHWAY FUNDS 132,912 133,772						
TOTAL 132,912 133,772						
TOTAL 5058,443 5108,883						
ESTIMATED SOURCE OF FUNDS FOR OFFICE OF COMMISSIONER						
FEDERAL FUNDS 219,449 228,955						
OTHER FUNDS 4838,994 4879,928						
TOTAL 5058,443 5108,883						
TOTAL 6190,406 6288,971						
ESTIMATED SOURCE OF FUNDS FOR ADMINISTRATION AND SUPPORT						
FEDERAL FUNDS 219,449 228,955						
OTHER FUNDS 5970,957 6060,016						
TOTAL 6190,406 6288,971						
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION						
15 DEPARTMENT OF SAFETY						
02 DIVISION OF MOTOR VEHICLE						
01 MOTOR VEHICLE AND DRIVER SAFETY						
05 FINANCIAL RESPONSIBILITY						
STRIKE OUT						
10 PERSONAL SERVICES - PERMANENT 749,269 787,322						



AMENDMENTS TO	PAGE	46	05/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION 15 DEPARTMENT OF SAFETY 02 DIVISION OF MOTOR VEHICLE 01 MOTOR VEHICLE AND DRIVER SAFETY 05 FINANCIAL RESPONSIBILITY (CONT.) (CONT.) (CONT.)					
INSERT IN PLACE THEREOF					
10 PERSONAL SERVICES - PERMANENT			736,613		774,159
STRIKE OUT					
20 CURRENT EXPENSES			118,700		123,500
INSERT IN PLACE THEREOF					
20 CURRENT EXPENSES			118,400		123,300
STRIKE OUT					
30 EQUIPMENT			6,400		5,200
INSERT IN PLACE THEREOF					
30 EQUIPMENT			5,600		5,200
STRIKE OUT					
60 BENEFITS			158,842		174,815
INSERT IN PLACE THEREOF					
60 BENEFITS			156,185		171,919
TOTAL			1084,441		1144,076
ESTIMATED SOURCE OF FUNDS FOR FINANCIAL RESPONSIBILITY					
STRIKE OUT					
02 HIGHWAY FUNDS			1100,834		1160,335
INSERT IN PLACE THEREOF					
02 HIGHWAY FUNDS			1086,441		1144,076
TOTAL			5434,917		5695,634
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR MOTOR VEHICLE AND DRIVER SAFETY					
OTHER FUNDS			5434,917		5695,634
TOTAL			5434,917		5695,634
TOTAL			7268,755		7590,792
ESTIMATED SOURCE OF FUNDS FOR DIVISION OF MOTOR VEHICLE					
OTHER FUNDS			7268,755		7590,792
TOTAL			7268,755		7590,792
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION 15 DEPARTMENT OF SAFETY 03 DIVISION OF SAFETY SERVICES 02 PROGRAM ON FIRE SAFETY					
STRIKE OUT					
10 PERSONAL SERVICES - PERMANENT			331,535		345,064

AMENDMENTS TO	PAGE	47	05/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
HB0300						
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)						
15 DEPARTMENT OF SAFETY (CONT.)						
03 DIVISION OF SAFETY SERVICES (CONT.)						
02 PROGRAM ON FIRE SAFETY (CONT.)						
INSERT IN PLACE THEREOF						
10 PERSONAL SERVICES - PERMANENT				307,399	319,904	
STRIKE OUT				21,472	22,601	
20 CURRENT EXPENSES				19,972	21,101	
INSERT IN PLACE THEREOF				89,800	48,000	
STRIKE OUT				36,000	48,000	
30 EQUIPMENT				78,490	85,550	
INSERT IN PLACE THEREOF				73,421	80,015	
STRIKE OUT				22,000	20,000	
70 IN-STATE TRAVEL				20,000	2,200	
INSERT IN PLACE THEREOF				2,200	2,000	
STRIKE OUT						
80 OUT-OF-STATE TRAVEL						
INSERT IN PLACE THEREOF						
STRIKE OUT						
80 OUT-OF-STATE TRAVEL						
TOTAL				514,346	548,313	
ESTIMATED SOURCE OF FUNDS FOR						
PROGRAM ON FIRE SAFETY						
STRIKE OUT				601,051	582,708	
GENERAL FUND				514,346	548,313	
INSERT IN PLACE THEREOF				514,346	548,313	
GENERAL FUND						
TOTAL				1383,739	1449,683	
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
DIVISION OF SAFETY SERVICES				1216,435	1273,516	
GENERAL FUNDS				167,304	176,167	
OTHER FUNDS						

AMENDMENTS TO	PAGE	48	05/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
H80300						
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)						
15 DEPARTMENT OF SAFETY (CONT.)						
03 DIVISION OF SAFETY SERVICES (CONT.)						
TOTAL					1383,739	1449,683
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION						
15 DEPARTMENT OF SAFETY						
04 DIVISION OF STATE POLICE						
01 DIV OF ST POLICE - COMM SECT						
STRIKE OUT						
70 PERSONAL SERVICES - PERMANENT				356,562	375,800	
INSERT IN PLACE THEREOF						
70 PERSONAL SERVICES - PERMANENT				306,282	323,368	
STRIKE OUT						
30 EQUIPMENT				222,400	108,800	
INSERT IN PLACE THEREOF						
30 EQUIPMENT				132,400	68,800	
STRIKE OUT						
60 BENEFITS				75,466	83,292	
INSERT IN PLACE THEREOF						
60 BENEFITS				64,907	71,757	
STRIKE OUT						
70 IN-STATE TRAVEL				32,500	32,500	
INSERT IN PLACE THEREOF						
70 IN-STATE TRAVEL				22,500	22,500	
STRIKE OUT						
80 OUT-OF-STATE TRAVEL				3,000	1,000	
INSERT IN PLACE THEREOF						
80 OUT-OF-STATE TRAVEL				1,000	1,000	
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR				988,718		957,076
DIV OF ST POLICE - COMM SECT						
STRIKE OUT						
02 HIGHWAY FUNDS				1051,557		971,043
INSERT IN PLACE THEREOF						
02 HIGHWAY FUNDS				888,718		857,076
TOTAL				988,718		957,076

AMENDMENTS TO	PAGE	47	05/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
HB0300					
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)					
15 DEPARTMENT OF SAFETY (CONT.)					
06 DIVISION OF STATE POLICE (CONT.)					
01 DIV OF ST POLICE - COMM SECT (CONT.)					
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
15 DEPARTMENT OF SAFETY					
06 DIVISION OF STATE POLICE					
03 TRAFFIC BUREAU					
STRIKE OUT				6430,251	6793,846
10 PERSONAL SERVICES - PERMANENT					
INSERT IN PLACE THEREOF				6134,856	6446,401
10 PERSONAL SERVICES - PERMANENT					
STRIKE OUT				310,400	283,600
20 CURRENT EXPENSES					
INSERT IN PLACE THEREOF				265,400	261,100
20 CURRENT EXPENSES					
STRIKE OUT				1257,624	934,450
30 EQUIPMENT					
INSERT IN PLACE THEREOF				1045,479	934,450
30 EQUIPMENT					
STRIKE OUT				1429,330	1578,490
60 BENEFITS					
INSERT IN PLACE THEREOF				1367,297	1502,053
60 BENEFITS					
STRIKE OUT				898,580	850,160
70 IN-STATE TRAVEL					
INSERT IN PLACE THEREOF				771,080	775,160
70 IN-STATE TRAVEL					
STRIKE OUT				8,600	8,600
80 OUT-OF-STATE TRAVEL					
INSERT IN PLACE THEREOF				5,600	5,600
80 OUT-OF-STATE TRAVEL					
TOTAL				10181,301	10524,499
ESTIMATED SOURCE OF FUNDS FOR					
TRAFFIC BUREAU					
STRIKE OUT				9833,737	9943,993
02 HIGHWAY FUNDS					

AMENDMENTS TO		PAGE	50	05/01/87	----- FISCAL YEAR 1988 -----		----- FISCAL YEAR 1989 -----	
HB0300								
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)								
15 DEPARTMENT OF SAFETY (CONT.)								
04 DIVISION OF STATE POLICE (CONT.)								
03 TRAFFIC BUREAU (CONT.)								
INSERT IN PLACE THEREOF								
02 HIGHWAY FUNDS				9163,171			9472,049	
STRIKE OUT								
06 TRAFFIC BUREAU-CENTRAL TPK				644,656			651,884	
INSERT IN PLACE THEREOF								
06 TRAFFIC BUREAU-CENTRAL TPK				600,697			620,945	
STRIKE OUT								
07 TRAFFIC BUREAU-BLUE STAR				284,086			287,271	
INSERT IN PLACE THEREOF								
07 TRAFFIC BUREAU-BLUE STAR				264,714			273,637	
STRIKE OUT								
08 TSF FROM HWY SPAULDING				163,895			165,733	
INSERT IN PLACE THEREOF								
08 TSF FROM HWY SPAULDING				152,719			157,868	
TOTAL				10181,301			10524,499	
TOTAL					14481,687			14651,920
ESTIMATED SOURCE OF FUNDS FOR								
DIVISION OF STATE POLICE								
GENERAL FUNDS					805,563		765,034	
OTHER FUNDS					13676,124		13886,886	
TOTAL					14481,687		14651,920	
TOTAL						30413,623		31067,620
ESTIMATED SOURCE OF FUNDS FOR								
DEPARTMENT OF SAFETY								
FEDERAL FUNDS					219,449		228,955	
GENERAL FUNDS					2523,552		2244,819	
OTHER FUNDS					2777,622		28593,846	
TOTAL					30413,623		31067,620	
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION								
16 DEPARTMENT OF CORRECTIONS								
03 DIVISION OF ADULT SERVICES								
01 BUREAU OF SECURITY								
STRIKE OUT								
50 OTHER PERSONAL SERVICES						546,000		576,000

AMENDMENTS TO	PAGE	51	05/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
H00300					
<p>(CONT.)</p> <p>02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)</p> <p>16 DEPARTMENT OF CORRECTIONS (CONT.)</p> <p>03 DIVISION OF ADULT SERVICES (CONT.)</p> <p>01 BUREAU OF SECURITY</p>					
INSERT IN PLACE THEREOF		320,000		320,000	
50 OTHER PERSONAL SERVICES					
STRIKE OUT		1099,339		1218,491	
60 BENEFITS					
INSERT IN PLACE THEREOF		1083,180		1199,265	
60 BENEFITS					
TOTAL			7073,489		7539,915
ESTIMATED SOURCE OF FUNDS FOR					
BUREAU OF SECURITY					
STRIKE OUT			7279,648		7779,141
GENERAL FUND					
INSERT IN PLACE THEREOF			7037,489		7503,915
GENERAL FUND			7073,489		7539,915
TOTAL					
<p>02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION</p> <p>16 DEPARTMENT OF CORRECTIONS</p> <p>03 DIVISION OF ADULT SERVICES</p> <p>02 BUREAU OF PROGRAMS &amp; SERVICES</p> <p>01 ADMINISTRATION</p>					
STRIKE OUT					
20 CURRENT EXPENSES		125,505		126,505	
INSERT					
91 INCARCERATED VETERANS		3,350			
TOTAL			288,414		309,244
ESTIMATED SOURCE OF FUNDS FOR					
ADMINISTRATION					
STRIKE OUT					
GENERAL FUND			410,569		435,749
INSERT IN PLACE THEREOF			288,414		309,244
GENERAL FUND			288,414		309,244
TOTAL					
<p>02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION</p> <p>16 DEPARTMENT OF CORRECTIONS</p> <p>03 DIVISION OF ADULT SERVICES</p> <p>02 BUREAU OF PROGRAMS &amp; SERVICES</p> <p>04 MAINTENANCE</p>					
STRIKE OUT					
48 CONT. MAINT BLDGS & GROUNDS		84,400			



AMENDMENTS TO  
H0350 PAGE 52 05/31/87

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
16 DEPARTMENT OF CORRECTIONS (CONT.)  
03 DIVISION OF ADULT SERVICES (CONT.)  
02 BUREAU OF PROGRAMS & SERVICES (CONT.)  
04 MAINTENANCE (CONT.)

INSERT IN PLACE THEREOF	84,400	
48 CONT. MAINT BLDGS & GROUNDS		
TOTAL	1619,504	1468,708

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
16 DEPARTMENT OF CORRECTIONS  
03 DIVISION OF ADULT SERVICES  
02 BUREAU OF PROGRAMS & SERVICES  
10 MEDICAL & DENTAL

STRIKE OUT \*

THIS APPROPRIATION SHALL BE USED TO PURCHASE PHARMACEUTICAL SUPPLIES FROM THE NEW HAMPSHIRE STATE HOSPITAL UNDER WHATEVER COOPERATIVE AGREEMENT MAY BE REACHED BETWEEN THE COMMISSIONER OF CORRECTIONS AND THE SUPERINTENDENT OF THE NEW HAMPSHIRE STATE HOSPITAL. IF A COOPERATIVE AGREEMENT CANNOT BE REACHED BETWEEN THE COMMISSIONER AND THE SUPERINTENDENT, THE COMMISSIONER MAY TRANSFER THIS APPROPRIATION INTO CLASS 20, CURRENT EXPENSES OR CLASS 93, OUTSIDE MEDICAL SERVICES, OR BOTH AS HE DEEMS NECESSARY. IF A COOPERATIVE AGREEMENT IS REACHED AND THIS APPROPRIATION IS IN EXCESS OF THE AMOUNT NECESSARY TO IMPLEMENT SAID AGREEMENT THE COMMISSIONER MAY TRANSFER AS HE DEEMS NECESSARY, SAID EXCESS INTO EITHER CLASS 20, CURRENT EXPENSE OR CLASS 93 OUTSIDE MEDICAL SERVICES OR BOTH WITH THE PRIOR APPROVAL OF THE ADVISORY BUDGET CONTROL COMMITTEE AND THE GOVERNOR AND COUNCIL.

INSERT IN PLACE THEREOF \*

AMENDMENTS TO		FISCAL YEAR 1988		FISCAL YEAR 1989	
HB0300	PAGE				
53	05/01/87				
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)					
16 DEPARTMENT OF CORRECTIONS (CONT.)					
03 DIVISION OF ADULT SERVICES (CONT.)					
02 BUREAU OF PROGRAMS & SERVICES (CONT.)					
10 MEDICAL & DENTAL					
<p>THIS APPROPRIATION SHALL BE USED TO PURCHASE PHARMACEUTICAL SUPPLIES FROM THE NEW HAMPSHIRE STATE HOSPITAL UNDER WHATEVER COOPERATIVE AGREEMENT IS REACHED BETWEEN THE COMMISSIONER OF CORRECTIONS AND THE SUPERINTENDENT OF THE NEW HAMPSHIRE STATE HOSPITAL. IF THIS APPROPRIATION IS IN EXCESS OF THE AMOUNT NECESSARY TO IMPLEMENT SAID AGREEMENT THE COMMISSIONER MAY TRANSFER AS HE DEEMS NECESSARY, SAID EXCESS INTO EITHER CLASS 20, CURRENT EXPENSE OR CLASS 93 OUTSIDE MEDICAL SERVICES OR BOTH WITH THE PRIOR APPROVAL OF THE ADVISORY BUDGET CONTROL COMMITTEE AND THE GOVERNOR AND COUNCIL.</p>					
TOTAL		6186,412		6367,820	
ESTIMATED SOURCE OF FUNDS FOR					
BUREAU OF PROGRAMS & SERVICES					
GENERAL FUNDS		6166,489		6347,858	
OTHER FUNDS		19,923		19,962	
TOTAL		6186,412		6367,820	
TOTAL			13259,901		13907,735
ESTIMATED SOURCE OF FUNDS FOR					
DIVISION OF ADULT SERVICES					
GENERAL FUNDS			13203,978		13851,773
OTHER FUNDS			55,923		55,962
TOTAL			13259,901		13907,735
TOTAL				19518,759	20397,456
ESTIMATED SOURCE OF FUNDS FOR					
DEPARTMENT OF CORRECTIONS					
GENERAL FUNDS			19462,836		20341,494
OTHER FUNDS			55,923		55,962
TOTAL			19518,759		20397,456
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
19 JUDICIAL COUNCIL					
STRIKE OUT					
11 EXEC DIRECTOR					
			28,919		30,808

----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

HB0300 PAGE 24 05/31/87

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
19 JUDICIAL COUNCIL (CONT.)

INSERT IN PLACE THEREOF	20,538	24,538
11 EXEC DIRECTOR		
STRIKE OUT	5,000	1
30 EQUIPMENT	1,250	1
INSERT IN PLACE THEREOF		
30 EQUIPMENT	10,283	11,349
STRIKE OUT		
60 BENEFITS	8,523	9,969
INSERT IN PLACE THEREOF		
60 BENEFITS	71,226	76,554
TOTAL		
ESTIMATED SOURCE OF FUNDS FOR		
JUDICIAL COUNCIL		
STRIKE OUT	85,117	84,204
GENERAL FUND	71,226	76,554
INSERT IN PLACE THEREOF		
GENERAL FUND	71,226	76,554
TOTAL		

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
20 HUMAN RIGHTS COMMISSION  
01 ENFORCEMENT

STRIKE OUT	175,805	185,155
10 PERSONAL SERVICES - PERMANENT		
INSERT IN PLACE THEREOF	122,647	129,755
10 PERSONAL SERVICES - PERMANENT		
STRIKE OUT	21,720	18,521
20 CURRENT EXPENSES	17,352	13,993
INSERT IN PLACE THEREOF		
20 CURRENT EXPENSES	1,550	100
STRIKE OUT		
30 EQUIPMENT	100	100
INSERT IN PLACE THEREOF		
30 EQUIPMENT		

AMENDMENT 55 05/01/87  
HB0300  
----- FISCAL YEAR 1989 -----  
----- FISCAL YEAR 1990 -----

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
20 HUMAN RIGHTS COMMISSION (CONT.)  
01 ENFORCEMENT (CONT.)

STRIKE OUT	36,953	40,769
60 BENEFITS		
INSERT IN PLACE	25,790	28,581
60 BENEFITS		
STRIKE OUT	1,800	1,800
70 IN-STATE TRAVEL		
INSERT IN PLACE	1,200	1,200
70 IN-STATE TRAVEL		

205,816 212,563

STRIKE OUT	228,081	236,805
GENERAL FUND		
INSERT IN PLACE THEREOF	157,342	164,089
GENERAL FUND	205,816	212,563
TOTAL		

TOTAL	250,590	258,215
ESTIMATED SOURCE OF FUNDS FOR		
HUMAN RIGHTS COMMISSION		
FEDERAL FUNDS	93,248	94,126
GENERAL FUNDS	157,342	164,089
TOTAL	250,590	258,215

127985,297  
132423,579

ESTIMATED SOURCE OF FUNDS FOR  
ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION

FEDERAL FUNDS	
GENERAL FUNDS	
OTHER FUNDS	
TOTAL	

03 RESOURCE PROTECTION AND DEVELOPMENT  
01 FISH AND GAME DEPARTMENT  
01 ADMINISTRATION AND SUPPORT  
01 FISH & GAME COMMISSION

AMENDMENTS TO  
HB0300 PAGE 50 05/01/87

03 RESOURCE PROTECTION AND DEVELOPMENT (CONT.)  
01 FISH AND GAME DEPARTMENT (CONT.)  
01 ADMINISTRATION AND SUPPORT (CONT.)  
01 FISH & GAME COMMISSION (CONT.)

INSERT AFTER SOURCE OF FUNDS

THE FISH AND GAME COMMISSION MAY, WITH PRIOR  
APPROVAL OF THE FISCAL COMMITTEE AND WITH THE  
APPROVAL OF THE GOVERNOR AND COUNCIL, UTILIZE  
SURPLUS FUNDS ACCUMULATED AT JUNE 30, 1987 IN  
THE FISH AND GAME FUND UP TO A LIMIT OF \$500,  
000 WHICH SHALL BE EXPENDED FOR THE COMPLETION  
OF THE NEW CONCORD HEADQUARTERS FACILITIES  
WHICH SHALL INCLUDE AN EDUCATIONAL MUSEUM.

03 RESOURCE PROTECTION AND DEVELOPMENT  
01 FISH AND GAME DEPARTMENT  
01 ADMINISTRATION AND SUPPORT  
02 OFFICE OF DIRECTOR

INSERT			
20 CURRENT EXPENSE-REG. OFFICES	0	57,000	90,000
STRIKE OUT			
70 IN-STATE TRAVEL		262	262
INSERT IN PLACE THEREOF			
70 IN-STATE TRAVEL		2,262	2,262
STRIKE OUT			
80 OUT-OF-STATE TRAVEL		1,000	1,000
INSERT IN PLACE THEREOF			
80 OUT-OF-STATE TRAVEL		2,000	2,000
TOTAL		136,001	173,485
ESTIMATED SOURCE OF FUNDS FOR			
OFFICE OF DIRECTOR			
INSERT FEDERAL FUNDS		25,274	25,481
STRIKE OUT			
FISH AND GAME FUND		76,001	80,485

----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----





AMENDMENTS TO  
HB0300  
PAGE 58 05/01/87

03 RESOURCE PROTECTION AND DEVELOPMENT (CONT.)  
01 FISH AND GAME DEPARTMENT (CONT.)  
01 ADMINISTRATION AND SUPPORT (CONT.)  
05 MAINTENANCE & CONSTRUCTION (CONT.)

TOTAL	250,419	258,225
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03 RESOURCE PROTECTION AND DEVELOPMENT  
01 FISH AND GAME DEPARTMENT  
01 ADMINISTRATION AND SUPPORT  
06 HUNTER SAFETY PROGRAM

STRIKE OUT AFTER SOURCE OF FUNDS

THE FISH AND GAME DEPARTMENT MAY, WITH PRIOR APPROVAL OF THE FISCAL COMMITTEE AND WITH THE APPROVAL OF THE GOVERNOR AND COUNCIL, TRANSFER FUNDS BETWEEN PAU 03-01-05-07, PAU 03-01-05-08, AND PAU 03-01-01 TO EFFECTIVELY AND EFFICIENTLY OPERATE THE DEPARTMENT.

TOTAL	1581,542	1718,853
ESTIMATED SOURCE OF FUNDS FOR		
ADMINISTRATION AND SUPPORT		
FEDERAL FUNDS	194,657	199,408
FISH AND GAME	1263,027	1361,587
OTHER FUNDS	123,858	157,858
TOTAL	1581,542	1718,853

03 RESOURCE PROTECTION AND DEVELOPMENT  
01 FISH AND GAME DEPARTMENT  
02 GAME RESOURCES  
02 MANAGEMENT & RESEARCH

STRIKE OUT	157,565	166,152
10 PERSONAL SERVICES - PERMANENT		
IN PLACE THEREOF		
INSERT	288,505	302,859
10 PERSONAL SERVICES - PERMANENT		

AMENDMENTS TO	PAGE	59	05/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
HB0300      (CONT.) 03 RESOURCE PROTECTION AND DEVELOPMENT      (CONT.) 01 FISH AND GAME DEPARTMENT      (CONT.) 02 GAME RESOURCES      (CONT.) 02 MANAGEMENT & RESEARCH      (CONT.)						
STRIKE OUT				45,700		45,700
20 CURRENT EXPENSES						
INSERT IN PLACE THEREOF				50,700		50,700
STRIKE OUT				11,000		13,000
30 EQUIPMENT				16,000		16,000
INSERT IN PLACE THEREOF				33,089		36,554
STRIKE OUT				60,587		66,629
60 BENEFITS				2,700		2,700
INSERT IN PLACE THEREOF				4,200		4,200
STRIKE OUT				100		100
80 OUT-OF-STATE TRAVEL				1,600		1,600
INSERT IN PLACE THEREOF					511,094	531,490
80 OUT-OF-STATE TRAVEL						
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
MANAGEMENT & RESEARCH						
STRIKE OUT				97,172		90,913
MANAGEMENT & RESEARCH				225,750		225,750
INSERT IN PLACE THEREOF				174,484		194,795
STRIKE OUT				217,344		237,740
FISH AND GAME FUND				511,094		531,490
INSERT IN PLACE THEREOF						
FISH AND GAME FUND						
TOTAL						
TOTAL				758,583		783,275
ESTIMATED SOURCE OF FUNDS FOR						
GAME RESOURCES						

AMENDMENTS TO PAGE 60 05/31/87  
HB0300

03 RESOURCE PROTECTION AND DEVELOPMENT  
01 FISH AND GAME DEPARTMENT  
02 GAME RESOURCES

(CONT.)  
(CONT.)  
(CONT.)

FEDERAL FUNDS  
FISH AND GAME  
OTHER FUNDS

325,676 325,676  
250,126 281,568  
173,781 176,031  
758,583 783,275

TOTAL

03 RESOURCE PROTECTION AND DEVELOPMENT  
01 FISH AND GAME DEPARTMENT  
03 FISH RESOURCES  
01 FISH & GAME INLAND FISHERIES

STRIKE OUT	601,962
10 PERSONAL SERVICES - PERMANENT	
INSERT IN PLACE THEREOF	1021,411
10 PERSONAL SERVICES - PERMANENT	
STRIKE OUT	14,574
19 OVER AND HOLIDAY	
INSERT IN PLACE THEREOF	23,000
19 OVER AND HOLIDAY	
STRIKE OUT	251,037
20 CURRENT EXPENSES	
INSERT IN PLACE THEREOF	368,032
20 CURRENT EXPENSES	
STRIKE OUT	43,000
30 EQUIPMENT	
INSERT IN PLACE THEREOF	50,000
30 EQUIPMENT	
STRIKE OUT	227,600
48 CONT. MAINT BLDGS & GROUNDS	
INSERT IN PLACE THEREOF	227,600
48 CONT. MAINT BLDGS & GROUNDS	
STRIKE OUT	21,307
50 OTHER PERSONAL SERVICES	
INSERT IN PLACE THEREOF	36,307
50 OTHER PERSONAL SERVICES	
STRIKE OUT	137,238
60 BENEFITS	

AMENDMENTS TO  
HB0300  
PAGE 61 05/01/87

	FISCAL YEAR 1988	FISCAL YEAR 1989
1. Total	100.0	100.0
2. Government	100.0	100.0
3. Non-Government	100.0	100.0
4. Total	100.0	100.0
5. Government	100.0	100.0
6. Non-Government	100.0	100.0
7. Total	100.0	100.0
8. Government	100.0	100.0
9. Non-Government	100.0	100.0
10. Total	100.0	100.0
11. Government	100.0	100.0
12. Non-Government	100.0	100.0
13. Total	100.0	100.0
14. Government	100.0	100.0
15. Non-Government	100.0	100.0
16. Total	100.0	100.0
17. Government	100.0	100.0
18. Non-Government	100.0	100.0
19. Total	100.0	100.0
20. Government	100.0	100.0
21. Non-Government	100.0	100.0
22. Total	100.0	100.0
23. Government	100.0	100.0
24. Non-Government	100.0	100.0
25. Total	100.0	100.0
26. Government	100.0	100.0
27. Non-Government	100.0	100.0
28. Total	100.0	100.0
29. Government	100.0	100.0
30. Non-Government	100.0	100.0
31. Total	100.0	100.0
32. Government	100.0	100.0
33. Non-Government	100.0	100.0
34. Total	100.0	100.0
35. Government	100.0	100.0
36. Non-Government	100.0	100.0
37. Total	100.0	100.0
38. Government	100.0	100.0
39. Non-Government	100.0	100.0
40. Total	100.0	100.0
41. Government	100.0	100.0
42. Non-Government	100.0	100.0
43. Total	100.0	100.0
44. Government	100.0	100.0
45. Non-Government	100.0	100.0
46. Total	100.0	100.0
47. Government	100.0	100.0
48. Non-Government	100.0	100.0
49. Total	100.0	100.0
50. Government	100.0	100.0
51. Non-Government	100.0	100.0
52. Total	100.0	100.0
53. Government	100.0	100.0
54. Non-Government	100.0	100.0
55. Total	100.0	100.0
56. Government	100.0	100.0
57. Non-Government	100.0	100.0
58. Total	100.0	100.0
59. Government	100.0	100.0
60. Non-Government	100.0	100.0
61. Total	100.0	100.0
62. Government	100.0	100.0
63. Non-Government	100.0	100.0
64. Total	100.0	100.0
65. Government	100.0	100.0
66. Non-Government	100.0	100.0
67. Total	100.0	100.0
68. Government	100.0	100.0
69. Non-Government	100.0	100.0
70. Total	100.0	100.0
71. Government	100.0	100.0
72. Non-Government	100.0	100.0
73. Total	100.0	100.0
74. Government	100.0	100.0
75. Non-Government	100.0	100.0
76. Total	100.0	100.0
77. Government	100.0	100.0
78. Non-Government	100.0	100.0
79. Total	100.0	100.0
80. Government	100.0	100.0
81. Non-Government	100.0	100.0
82. Total	100.0	100.0
83. Government	100.0	100.0
84. Non-Government	100.0	100.0
85. Total	100.0	100.0
86. Government	100.0	100.0
87. Non-Government	100.0	100.0
88. Total	100.0	100.0
89. Government	100.0	100.0
90. Non-Government	100.0	100.0
91. Total	100.0	100.0
92. Government	100.0	100.0
93. Non-Government	100.0	100.0
94. Total	100.0	100.0
95. Government	100.0	100.0
96. Non-Government	100.0	100.0
97. Total	100.0	100.0
98. Government	100.0	100.0
99. Non-Government	100.0	100.0
100. Total	100.0	100.0

(CONT.)  
(CONT.)  
(CONT.)  
(CONT.)

03 RESOURCE PROTECTION AND DEVELOPMENT  
01 FISH AND GAME DEPARTMENT  
03 FISH RESOURCES  
01 FISH & GAME INLAND FISHERIES

INSERT IN PLACE THEREOF			
60 BENEFITS			232,497
STRIKE OUT			
70 IN-STATE TRAVEL		207,696	
INSERT IN PLACE THEREOF			3,100
70 IN-STATE TRAVEL		4,900	
TOTAL			2102,290
ESTIMATED SOURCE OF FUNDS FOR			
FISH & GAME INLAND FISHERIES			
STRIKE OUT			
INLAND FISHERIES			235,157
INSERT IN PLACE THEREOF			
INLAND FISHERIES		389,005	
STRIKE OUT			
FISH AND GAME FUND		976,249	
INSERT IN PLACE THEREOF			1171,058
FISH AND GAME FUND			1580,546
TOTAL			2102,290

03 RESOURCE PROTECTION AND DEVELOPMENT  
01 FISH AND GAME DEPARTMENT  
03 FISH RESOURCES  
02 MARINE FISHERIES

STRIKE OUT	130,759
10 PERSONAL SERVICES - PERMANENT	125,726
INSERT IN PLACE THEREOF	
10 PERSONAL SERVICES - PERMANENT	174,324
STRIKE OUT	
20 CURRENT EXPENSES	14,000
INSERT IN PLACE THEREOF	
20 CURRENT EXPENSES	16,000
STRIKE OUT	
60 BENEFITS	26,402
INSERT IN PLACE THEREOF	
60 BENEFITS	39,878

STRIKE OUT	10 PERSONAL SERVICES - PERMANENT
INSERT IN PLACE THEREOF	10 PERSONAL SERVICES - PERMANENT
STRIKE OUT	20 CURRENT EXPENSES
INSERT IN PLACE THEREOF	20 CURRENT EXPENSES
STRIKE OUT	60 BENEFITS
INSERT IN PLACE THEREOF	60 BENEFITS

03 RESOURCE PROTECTION AND DEVELOPMENT  
01 FISH AND GAME DEPARTMENT  
03 FISH RESOURCES  
02 MARINE FISHERIES

(CONT.)  
(CONT.)  
(CONT.)  
(CONT.)

STRIKE OUT  
70 IN-STATE TRAVEL  
INSERT IN PLACE THEREOF  
70 IN-STATE TRAVEL  
STRIKE OUT  
80 OUT-OF-STATE TRAVEL  
INSERT IN PLACE THEREOF  
80 OUT-OF-STATE TRAVEL

300  
700  
1,500  
1,900

300  
700  
1,500  
1,900

TOTAL  
ESTIMATED SOURCE OF FUNDS FOR  
MARINE FISHERIES

241,141

STRIKE OUT  
MARINE FISHERIES  
INSERT IN PLACE THEREOF  
MARINE FISHERIES  
STRIKE OUT  
FISH AND GAME FUND  
INSERT IN PLACE THEREOF  
FISH AND GAME FUND  
TOTAL

52,297  
100,000  
117,031  
130,932  
230,932

50,189  
100,000  
126,537  
141,141  
241,141

TOTAL  
ESTIMATED SOURCE OF FUNDS FOR  
FISH RESOURCES  
FEDERAL FUNDS  
FISH AND GAME  
TOTAL

2073,745  
489,005  
1584,740  
2073,745

234,343  
621,744  
1721,687  
2343,431

03 RESOURCE PROTECTION AND DEVELOPMENT  
01 FISH AND GAME DEPARTMENT  
04 LAW ENFORCEMENT  
02 LAW ENFORCEMENT DISTRICTS 1-5  
01 LAW ENFORCEMENT DISTRICTS 1-5

STRIKE OUT  
10 PERSONAL SERVICES - PERMANENT

600,923

627,091





AMENDMENTS TO	PAGE	64	05/01/87		FISCAL YEAR 1988	FISCAL YEAR 1989
H80300						
03 RESOURCE PROTECTION AND DEVELOPMENT				(CONT.)		
01 FISH AND GAME DEPARTMENT				(CONT.)		
04 LAW ENFORCEMENT				(CONT.)		
02 LAW ENFORCEMENT DISTRICTS 1-5				(CONT.)		
01 LAW ENFORCEMENT DISTRICTS 1-5				(CONT.)		
03 RESOURCE PROTECTION AND DEVELOPMENT						
01 FISH AND GAME DEPARTMENT						
04 LAW ENFORCEMENT						
02 LAW ENFORCEMENT DISTRICTS 1-5						
02 SEARCH & RESCUE						
INSERT						
THE DIRECTOR SHALL SUBMIT QUARTERLY REPORTS TO						
THE FISCAL COMMITTEE FOR ALL SEARCH AND RESCUE						
EXPENDITURES DURING THE BIENNIUM.						
03 RESOURCE PROTECTION AND DEVELOPMENT						
01 FISH AND GAME DEPARTMENT						
04 LAW ENFORCEMENT						
02 LAW ENFORCEMENT DISTRICTS 1-5						
02 SEARCH & RESCUE						
INSERT						
01 TSF FROM LAW 1-5				40,000	40,000	
STRIKE OUT						
GENERAL FUND				80,000	80,000	
INSERT IN PLACE THEREOF						
GENERAL FUND				40,000	40,000	
TOTAL				80,000	80,000	
TOTAL				1981,773	2060,859	
ESTIMATED SOURCE OF FUNDS FOR						
LAW ENFORCEMENT DISTRICTS 1-5						
GENERAL FUNDS				40,000	40,000	
FISH AND GAME				1748,773	1827,859	
OTHER FUNDS				193,000	193,000	
TOTAL				1981,773	2060,859	
03 RESOURCE PROTECTION AND DEVELOPMENT						
01 FISH AND GAME DEPARTMENT						
04 LAW ENFORCEMENT						
03 LAW ENFORCEMENT DISTRICT 6						
INSERT						
10 PERSONAL SERVICES - PERMANENT				94,601	137,037	

AMENDMENTS TO	PAGE	65	05/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
<b>03 RESOURCE PROTECTION AND DEVELOPMENT</b>						
<b>01 FISH AND GAME DEPARTMENT</b>						
<b>04 LAW ENFORCEMENT</b>						
<b>03 LAW ENFORCEMENT DISTRICT 6</b>						
<b>(CONT.)</b>						
<b>(CONT.)</b>						
<b>(CONT.)</b>						
<b>03 LAW ENFORCEMENT DISTRICT 6</b>						
<b>01 FISH AND GAME DEPARTMENT</b>						
<b>04 LAW ENFORCEMENT</b>						
<b>04 OFF HIGHWAY RECREATION VEHICLE</b>						
<b>01 OHRV ENFORCEMENT</b>						
<b>STRIKE OUT</b>						
<b>90 TRANS TO LAW ENFORCEMENT 1-5</b>						
<b>INSERT IN PLACE THEREOF</b>						
<b>90 TRANS TO LAW ENFORCEMENT 1-5</b>						
<b>STRIKE OUT</b>						
<b>91 OHRV PAYMENT - DRED</b>						
<b>INSERT IN PLACE THEREOF</b>						
<b>91 OHRV PAYMENT - DRED</b>						
<b>STRIKE OUT</b>						
<b>93 OHRV PAYMENT TO EDUC. &amp; TRAI</b>						
<b>INSERT IN PLACE THEREOF</b>						
<b>93 OHRV PAYMENT TO EDUC. &amp; TRAI</b>						
<b>TOTAL</b>						
<b>673,145</b>						
<b>03 RESOURCE PROTECTION AND DEVELOPMENT</b>						
<b>01 FISH AND GAME DEPARTMENT</b>						
<b>04 LAW ENFORCEMENT</b>						
<b>04 OFF HIGHWAY RECREATION VEHICLE</b>						
<b>01 OHRV ENFORCEMENT</b>						
<b>STRIKE OUT</b>						
<b>90 TRANS TO LAW ENFORCEMENT 1-5</b>						
<b>INSERT IN PLACE THEREOF</b>						
<b>90 TRANS TO LAW ENFORCEMENT 1-5</b>						
<b>STRIKE OUT</b>						
<b>91 OHRV PAYMENT - DRED</b>						
<b>INSERT IN PLACE THEREOF</b>						
<b>91 OHRV PAYMENT - DRED</b>						
<b>STRIKE OUT</b>						
<b>93 OHRV PAYMENT TO EDUC. &amp; TRAI</b>						
<b>INSERT IN PLACE THEREOF</b>						
<b>93 OHRV PAYMENT TO EDUC. &amp; TRAI</b>						
<b>TOTAL</b>						
<b>672,342</b>						
<b>03 RESOURCE PROTECTION AND DEVELOPMENT</b>						
<b>01 FISH AND GAME DEPARTMENT</b>						
<b>04 LAW ENFORCEMENT</b>						
<b>04 OFF HIGHWAY RECREATION VEHICLE</b>						
<b>01 OHRV ENFORCEMENT</b>						
<b>STRIKE OUT</b>						
<b>90 TRANS TO LAW ENFORCEMENT 1-5</b>						
<b>INSERT IN PLACE THEREOF</b>						
<b>90 TRANS TO LAW ENFORCEMENT 1-5</b>						
<b>STRIKE OUT</b>						
<b>91 OHRV PAYMENT - DRED</b>						
<b>INSERT IN PLACE THEREOF</b>						
<b>91 OHRV PAYMENT - DRED</b>						
<b>STRIKE OUT</b>						
<b>93 OHRV PAYMENT TO EDUC. &amp; TRAI</b>						
<b>INSERT IN PLACE THEREOF</b>						
<b>93 OHRV PAYMENT TO EDUC. &amp; TRAI</b>						
<b>TOTAL</b>						
<b>673,145</b>						

AMENDMENTS TO  
HBO300 PAGE 66 05/01/87

03 RESOURCE PROTECTION AND DEVELOPMENT  
01 FISH AND GAME DEPARTMENT  
04 LAW ENFORCEMENT  
04 OFF HIGHWAY RECREATION VEHICLE  
01 OHRV ENFORCEMENT

ESTIMATED SOURCE OF FUNDS FOR  
OHV ENFORCEMENT  
STRIKE OUT  
09 OHV-REG-CLEARING ACCT  
INSERT IN PLACE THEREOF  
09 OHV-REG-CLEARING ACCT  
TOTAL

03 RESOURCE PROTECTION AND DEVELOPMENT  
01 FISH AND GAME DEPARTMENT  
04 LAW ENFORCEMENT  
04 OFF HIGHWAY RECREATION VEHICLE  
02 EDUCATION AND TRAINING

STRIKE OUT	10 PERSONAL SERVICES - PERMANENT
INSERT IN PLACE THEREOF	10 PERSONAL SERVICES - PERMANENT
STRIKE OUT	10 PERSONAL SERVICES - PERMANENT
30 EQUIPMENT	
INSERT IN PLACE THEREOF	
30 EQUIPMENT	
STRIKE OUT	
60 BENEFITS	
INSERT IN PLACE THEREOF	
60 BENEFITS	

TOTAL	ESTIMATED SOURCE OF FUNDS FOR EDUCATION AND TRAINING
	STRIKE OUT
	01 OHV EDUCATION & TRAINING
	INSET IN PLACE THEREOF
	01 OHV EDUCATION & TRAINING
TOTAL	TOTAL

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(CONT.)
(CONT.)
(CONT.)
(CONT.)
(CONT.)

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638,525	638,165
672,342	673,145
672,342	673,145

11,817	12,168
30,674	31,824
15,515	4,515
26,515	15,515
2,824	3,010
6,784	7,334

105,342 106,145

71,525	71,165
105,342	106,145
105,342	106,145
777,684	779,290



AMENDMENTS TO	PAGE	68	05/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
H00500					
(CONT.)					
(CONT.)					
(CONT.)					
(CONT.)					
(CONT.)					
03 RESOURCE PROTECTION AND DEVELOPMENT					
01 FISH AND GAME DEPARTMENT					
05 REGIONAL OFFICES					
07 DURHAM REGIONAL OFFICE					
01 ADMINISTRATION					
02					
03 RESOURCE PROTECTION AND DEVELOPMENT					
01 FISH AND GAME DEPARTMENT					
05 REGIONAL OFFICES					
07 DURHAM REGIONAL OFFICE					
02					
STRIKE OUT					
10 PERSONAL SERVICES - PERMANENT					
STRIKE OUT					
19 OVERTIME AND HOLIDAY					
STRIKE OUT					
20 CURRENT EXPENSES					
STRIKE OUT					
30 EQUIPMENT					
STRIKE OUT					
60 BENEFITS					
STRIKE OUT					
70 IN-STATE TRAVEL					
ESTIMATED SOURCE OF FUNDS FOR					
STRIKE OUT					
FISH AND GAME FUND					
03 RESOURCE PROTECTION AND DEVELOPMENT					
01 FISH AND GAME DEPARTMENT					
05 REGIONAL OFFICES					
07 DURHAM REGIONAL OFFICE					
03					
STRIKE OUT					
10 PERSONAL SERVICES - PERMANENT					
STRIKE OUT					
20 CURRENT EXPENSES					
STRIKE OUT					
30 EQUIPMENT					
255,697					
266,610					
23,650					
20,000					
41,500					
58,663					
37,275					
436,785					
452,892					
233,167					
10,000					
10,000					

AMENDMENTS TO	PAGE	69	05/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
HB0300						
03 RESOURCE PROTECTION AND DEVELOPMENT 01 FISH AND GAME DEPARTMENT 05 REGIONAL OFFICES 07 DURHAM REGIONAL OFFICE 03 (CONT.) (CONT.) (CONT.) (CONT.) (CONT.)						
STRIKE OUT						
60 BENEFITS				48,965	53,389	
STRIKE OUT						
70 IN-STATE TRAVEL				1,800	1,800	
STRIKE OUT						
80 OUT-OF-STATE TRAVEL				1,300	1,300	
ESTIMATED SOURCE OF FUNDS FOR						
STRIKE OUT						
FEDERAL FUNDS					228,924	239,377
STRIKE OUT						
FISH AND GAME FUND					76,308	79,791
ESTIMATED SOURCE OF FUNDS FOR						
DURHAM REGIONAL OFFICE						
03 RESOURCE PROTECTION AND DEVELOPMENT						
01 FISH AND GAME DEPARTMENT						
05 REGIONAL OFFICES						
08 LANCASTER REGIONAL OFFICE						
01 ADMINISTRATION						
STRIKE OUT						
10 PERSONAL SERVICES - PERMANENT					12,168	
STRIKE OUT						
20 CURRENT EXPENSES				22,500	14,250	
STRIKE OUT						
60 BENEFITS					2,677	
ESTIMATED SOURCE OF FUNDS FOR						
ADMINISTRATION						
STRIKE OUT						
FEDERAL FUNDS					12,600	16,293
STRIKE OUT						
FISH AND GAME FUND					9,900	12,802
03 RESOURCE PROTECTION AND DEVELOPMENT						
01 FISH AND GAME DEPARTMENT						
05 REGIONAL OFFICES						
08 LANCASTER REGIONAL OFFICE						
02						
STRIKE OUT						
10 PERSONAL SERVICES - PERMANENT				210,784	220,734	



AMENDMENTS TO PAGE 70 05/01/87  
H80300

03 RESOURCE PROTECTION AND DEVELOPMENT  
01 FISH AND GAME DEPARTMENT  
05 REGIONAL OFFICES  
08 LANCASTER REGIONAL OFFICE  
02

STRIKE OUT		
19 OVERTIME AND HOLIDAY	18,920	18,920
STRIKE OUT		
20 CURRENT EXPENSES	16,000	16,000
STRIKE OUT		
30 EQUIPMENT	33,200	33,200
STRIKE OUT		
60 BENEFITS	48,238	52,723
STRIKE OUT		
70 IN-STATE TRAVEL	24,000	24,000

ESTIMATED SOURCE OF FUNDS FOR

STRIKE OUT  
FISH AND GAME FUND

365,577

351,142

03 RESOURCE PROTECTION AND DEVELOPMENT  
01 FISH AND GAME DEPARTMENT  
05 REGIONAL OFFICES  
08 LANCASTER REGIONAL OFFICE  
03

STRIKE OUT		
10 PERSONAL SERVICES - PERMANENT	313,739	327,828
STRIKE OUT		
19 OVERTIME AND HOLIDAY	5,500	8,426
STRIKE OUT		
20 CURRENT EXPENSES	113,995	113,995
STRIKE OUT		
30 EQUIPMENT	15,000	15,000
STRIKE OUT		
60 BENEFITS	67,040	73,976
STRIKE OUT		
70 IN-STATE TRAVEL	1,900	1,900
STRIKE OUT		
80 OUT-OF-STATE TRAVEL	600	600

ESTIMATED SOURCE OF FUNDS FOR

----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

(CONT.)  
(CONT.)  
(CONT.)  
(CONT.)  
(CONT.)

AMENDMENTS TO		FISCAL YEAR 1988		FISCAL YEAR 1989	
HB0300 PAGE 71 05/01/87					
03 RESOURCE PROTECTION AND DEVELOPMENT 01 FISH AND GAME DEPARTMENT 05 REGIONAL OFFICES 08 LANCASTER REGIONAL OFFICE 03					
(CONT.)					
(CONT.)					
(CONT.)					
(CONT.)					
STRIKE OUT FEDERAL FUNDS					
STRIKE OUT FISH AND GAME FUND					
STRIKE OUT AFTER SOURCE OF FUNDS					
-- THE FISH AND GAME DEPARTMENT MAY WITH PRIOR APPROVAL OF THE FISCAL COMMITTEE AND WITH THE APPROVAL OF THE GOVERNOR AND COUNCIL, UTILIZE SO MUCH AS MAY BE NECESSARY OF THE BALANCE ACCUMULATED AT JUNE 30, 1987, OR ANY SURPLUS ACCUMULATING IN THE FISH AND GAME FUND DURING THE BIENNIIUM ENDING JUNE 30, 1989, TO EF- FECTIVELY AND EFFICIENTLY OPERATE THE DEPART- MENT.					
STRIKE OUT AFTER SOURCE OF FUNDS					
-- THE FISH AND GAME DEPARTMENT MAY, WITH PRIOR APPROVAL OF THE FISCAL COMMITTEE AND WITH THE APPROVAL OF THE GOVERNOR AND COUNCIL, TRANSFER FUNDS BETWEEN PAU 03-01-05-07, PAU 03-01-05-08, AND PAU'S 03-01-01 TO EFFECTIVELY AND EFFICI- ENTLY OPERATE THE DEPARTMENT.					
ESTIMATED SOURCE OF FUNDS FOR LANCASTER REGIONAL OFFICE					
ESTIMATED SOURCE OF FUNDS FOR REGIONAL OFFICES					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR FISH AND GAME DEPARTMENT					
FEDERAL FUNDS					
				90,799	95,525
				426,975	446,200
				7510,576	8121,799
				1009,338	1146,828

AMENDMENTS TO	PAGE	72	05/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
H803UD					
(CONT.)					
(CONT.)					
03 RESOURCE PROTECTION AND DEVELOPMENT					
01 FISH AND GAME DEPARTMENT					
GENERAL FUNDS			40,000		40,000
FISH AND GAME			5192,915		5628,792
OTHER FUNDS			1268,323		1306,179
TOTAL			7510,576		8121,799
03 RESOURCE PROTECTION AND DEVELOPMENT					
03 RESOURCES AND ECONOMIC DEVELOPMENT					
01 ADMINISTRATION AND SUPPORT					
02 DESIGN DEVELOPMENT & MAINTENANCE					
STRIKE OUT					
48 CONT. MAINT BLDGS & GROUNDS			405,000		200,000
INSERT IN PLACE THEREOF					
48 CONT. MAINT BLDGS & GROUNDS			405,000		
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR			1208,209		758,283
DESIGN DEVELOPMENT & MAINTENANCE					
STRIKE OUT					
GENERAL FUND			1208,209		958,283
INSERT IN PLACE THEREOF					
GENERAL FUND			1208,209		758,283
TOTAL					
TOTAL			2148,315		1750,466
ESTIMATED SOURCE OF FUNDS FOR					
ADMINISTRATION AND SUPPORT					
FEDERAL FUNDS			40,000		40,000
GENERAL FUNDS			1957,440		1554,791
OTHER FUNDS			150,875		155,675
TOTAL			2148,315		1750,466
03 RESOURCE PROTECTION AND DEVELOPMENT					
03 RESOURCES AND ECONOMIC DEVELOPMENT					
02 ECONOMIC DEVELOPMENT					
01 ADMINISTRATION AND SUPPORT					
STRIKE OUT					
91 PROFESSIONAL BUS ASSISTANCE			35,000		17,000

AMENDMENTS TO HB0300	PAGE	73	05/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
(CONT.) (CONT.) (CONT.) (CONT.)					
03 RESOURCE PROTECTION AND DEVELOPMENT 03 RESOURCES AND ECONOMIC DEVELOPMENT 02 ECONOMIC DEVELOPMENT 01 ADMINISTRATION AND SUPPORT					
INSERT IN PLACE THEREOF				15,000	17,000
91 PROFESSIONAL BUS ASSISTANCE					
TOTAL				321,100	348,986
ESTIMATED SOURCE OF FUNDS FOR					
ADMINISTRATION AND SUPPORT					
STRIKE OUT					
GENERAL FUND				341,100	348,986
INSERT IN PLACE THEREOF				321,100	348,986
GENERAL FUND				321,100	348,986
TOTAL					
03 RESOURCE PROTECTION AND DEVELOPMENT 03 RESOURCES AND ECONOMIC DEVELOPMENT 02 ECONOMIC DEVELOPMENT 02 INDUSTRIAL DEVELOPMENT					
STRIKE OUT					
10 PERSONAL SERVICES - PERMANENT				224,259	234,983
INSERT IN PLACE THEREOF					
10 PERSONAL SERVICES - PERMANENT				201,971	211,739
STRIKE OUT					
30 EQUIPMENT				29,725	11,800
INSERT IN PLACE THEREOF					
30 EQUIPMENT				22,200	11,800
STRIKE OUT					
30 OTHER PERSONAL SERVICES				28,621	29,674
STRIKE OUT					
60 BENEFITS				56,026	61,876
INSERT IN PLACE THEREOF					
60 BENEFITS				49,300	54,533
STRIKE OUT					
70 IN-STATE TRAVEL				12,840	12,840
INSERT IN PLACE THEREOF					
70 IN-STATE TRAVEL				11,840	11,840
STRIKE OUT					
80 OUT-OF-STATE TRAVEL				18,900	18,900

AMENDMENTS TO		FISCAL YEAR 1988		FISCAL YEAR 1989	
HB0300	PAGE	74	05/01/87		
03 RESOURCE PROTECTION AND DEVELOPMENT 03 RESOURCES AND ECONOMIC DEVELOPMENT 02 ECONOMIC DEVELOPMENT 02 INDUSTRIAL DEVELOPMENT					
(CONT.)					
(CONT.)					
(CONT.)					
INSERT IN PLACE THEREOF 80 OUT-OF-STATE TRAVEL					
TOTAL		17,900	383,304	17,900	396,951
ESTIMATED SOURCE OF FUNDS FOR					
INDUSTRIAL DEVELOPMENT					
STRIKE OUT					
GENERAL FUND					
INSERT IN PLACE THEREOF			450,464		459,212
GENERAL FUND			383,304		396,951
TOTAL			383,304		396,951
STRIKE OUT AFTER SOURCE OF FUNDS					
WITHIN THESE APPROPRIATIONS, FUNDS HAVE BEEN PROVIDED IN OTHER PERSONAL SERVICES FOR ONE INDUSTRIAL AGENT--AT-LARGE TRAINEE (LABOR GRADE 23, SUBJECT TO APPROVAL BY THE DIVISION OF PERSONNEL) AND ITS ATTENDANT COSTS, INCLUDING \$7,525 FOR EQUIPMENT IN FY 1988, \$1,000 EACH YEAR FOR IN-STATE TRAVEL, AND \$1,000 EACH YEAR FOR OUT-OF-STATE TRAVEL. THESE FUNDS SHALL BE USED FOR THE INDUSTRIAL AGENT TRAINEE PROGRAM AND SHALL NOT BE TRANSFERRED OR USED FOR ANY OTHER PURPOSE.					
03 RESOURCE PROTECTION AND DEVELOPMENT 03 RESOURCES AND ECONOMIC DEVELOPMENT 02 ECONOMIC DEVELOPMENT 03 VACATION TRAVEL PROMOTION					
STRIKE OUT				167,714	
10 PERSONAL SERVICES - PERMANENT					
INSERT IN PLACE THEREOF		161,368			
10 PERSONAL SERVICES - PERMANENT					
TOTAL		124,903		129,669	

AMENDMENTS TO	PAGE	75	05/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
H80300						
(CONT.) (CONT.) (CONT.) (CONT.)						
03 RESOURCE PROTECTION AND DEVELOPMENT						
03 RESOURCES AND ECONOMIC DEVELOPMENT						
02 ECONOMIC DEVELOPMENT						
03 VACATION TRAVEL PROMOTION						
STRIKE OUT				12,377	21,137	
30 EQUIPMENT						
INSERT IN PLACE THEREOF				8,317	21,137	
30 EQUIPMENT						
STRIKE OUT				35,363	38,460	
60 BENEFITS						
INSERT IN PLACE THEREOF				27,705	30,090	
60 BENEFITS						
STRIKE OUT				5,000	5,000	
70 IN-STATE TRAVEL						
INSERT IN PLACE THEREOF				4,000	4,000	
70 IN-STATE TRAVEL						
STRIKE OUT				5,500	5,500	
80 OUT-OF-STATE TRAVEL						
INSERT IN PLACE THEREOF				4,500	4,500	
80 OUT-OF-STATE TRAVEL						
TOTAL				1895,056		1915,207
ESTIMATED SOURCE OF FUNDS FOR						
VACATION TRAVEL PROMOTION						
STRIKE OUT						
GENERAL FUND				1945,239		1963,622
INSERT IN PLACE THEREOF						
GENERAL FUND				1895,056		1915,207
TOTAL				1895,056		1915,207
TOTAL					2599,460	2661,144
ESTIMATED SOURCE OF FUNDS FOR						
ECONOMIC DEVELOPMENT						
GENERAL FUNDS				2599,460		2661,144
TOTAL				2599,460		2661,144
03 RESOURCE PROTECTION AND DEVELOPMENT						
03 RESOURCES AND ECONOMIC DEVELOPMENT						
04 PARKS AND RECREATION						
01 PARKS ADMINISTRATION						
STRIKE OUT						
10 PERSONAL SERVICES - PERMANENT				166,672	173,800	



AMENDMENTS TO HB300	PAGE	70	05/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
(CONT.)					
(CONT.)					
(CONT.)					
(CONT.)					
03 RESOURCE PROTECTION AND DEVELOPMENT					
03 RESOURCES AND ECONOMIC DEVELOPMENT					
04 PARKS AND RECREATION					
01 PARKS ADMINISTRATION					
INSERT IN PLACE THEREOF			147,815	154,144	
10 PERSONAL SERVICES - PERMANENT					
STRIKE OUT			45,972	50,080	
60 BENEFITS					
INSERT IN PLACE THEREOF			42,012	45,756	
60 BENEFITS					
INSERT			8,000		
93 HAMPTON SOLID WASTE STUDY					342,007
TOTAL				338,263	
ESTIMATED SOURCE OF FUNDS FOR					
PARKS ADMINISTRATION					
STRIKE OUT					
GENERAL FUND			353,080	365,987	
INSERT IN PLACE THEREOF			338,263	342,007	
GENERAL FUND			338,263	342,007	
TOTAL					
03 RESOURCE PROTECTION AND DEVELOPMENT					
03 RESOURCES AND ECONOMIC DEVELOPMENT					
04 PARKS AND RECREATION					
02 PARKS FRANCONIA - SUNAPEE					
01 PARKS FRANCONIA					
STRIKE OUT			125,000	125,000	
95 REVENUE MAXIMIZATION					
TOTAL				2678,620	2635,305
ESTIMATED SOURCE OF FUNDS FOR					
PARKS FRANCONIA					
STRIKE OUT					
GENERAL FUND			2803,620	2760,305	
INSERT IN PLACE THEREOF			2678,620	2635,305	
GENERAL FUND			2678,620	2635,305	
TOTAL					
03 RESOURCE PROTECTION AND DEVELOPMENT					
03 RESOURCES AND ECONOMIC DEVELOPMENT					
04 PARKS AND RECREATION					
02 PARKS FRANCONIA - SUNAPEE					
01 PARKS SUNAPEE					
STRIKE OUT			303,793	318,881	
10 PERSONAL SERVICES - PERMANENT					

AMENDMENTS TO	PAGE	77	05/01/87		FISCAL YEAR 1988	FISCAL YEAR 1989
HB0300						
03 RESOURCE PROTECTION AND DEVELOPMENT				(CONT.)		
03 RESOURCES AND ECONOMIC DEVELOPMENT				(CONT.)		
04 PARKS AND RECREATION				(CONT.)		
02 PARKS FRANCONIA - SUNAPEE				(CONT.)		
02 PARKS SUNAPEE						
INSERT IN PLACE THEREOF				289,191		303,697
10 PERSONAL SERVICES - PERMANENT						
STRIKE OUT				92,074		100,569
60 BENEFITS						
INSERT IN PLACE THEREOF				89,008		97,229
60 BENEFITS						
STRIKE OUT				125,000		125,000
95 REVENUE MAXIMIZATION						
TOTAL					1327,249	1471,426
ESTIMATED SOURCE OF FUNDS FOR						
PARKS SUNAPEE						
STRIKE OUT					1469,917	1614,950
GENERAL FUND						
INSERT IN PLACE THEREOF					1327,249	1471,426
GENERAL FUND					1327,249	1471,426
TOTAL					4005,869	4106,731
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
PARKS FRANCONIA - SUNAPEE					4005,869	4106,731
GENERAL FUNDS					4005,869	4106,731
TOTAL						
03 RESOURCE PROTECTION AND DEVELOPMENT						
03 RESOURCES AND ECONOMIC DEVELOPMENT						
04 PARKS AND RECREATION						
03 SERVICE PARKS						
STRIKE OUT						
10 PERSONAL SERVICES - PERMANENT				225,501		234,921
INSERT IN PLACE THEREOF						
10 PERSONAL SERVICES - PERMANENT				251,981		262,461
STRIKE OUT						
30 EQUIPMENT				67,500		85,000
INSERT IN PLACE THEREOF						
30 EQUIPMENT				82,500		85,000

AMENDMENTS TO	PAGE	73	05/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
HB0300					
(CONT.)					
03 RESOURCE PROTECTION AND DEVELOPMENT					
03 RESOURCES AND ECONOMIC DEVELOPMENT					
04 PARKS AND RECREATION					
03 SERVICE PARKS					
(CONT.)					
STRIKE OUT					
50 OTHER PERSONAL SERVICES					
INSERT IN PLACE THEREOF					
50 OTHER PERSONAL SERVICES					
STRIKE OUT					
60 BENEFITS					
INSERT IN PLACE THEREOF					
60 BENEFITS					
STRIKE OUT					
70 IN-STATE TRAVEL					
INSERT IN PLACE THEREOF					
70 IN-STATE TRAVEL					
STRIKE OUT					
THIS APPROPRIATION IS TO PROVIDE SALARY					
AND PROGRAM SUPPORT FOR THE CONTINUATION					
OF THE SEA GRANT EXTENSION PROGRAM AT					
ODIORNE POINT STATE PARK.					
INSERT IN PLACE THEREOF					
THIS APPROPRIATION IS TO PROVIDE SALARY					
AND PROGRAM SUPPORT FOR THE CONTINUATION					
OF THE SEA GRANT EXTENSION PROGRAM AT					
ODIORNE POINT STATE PARK.					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
SERVICE PARKS					
STRIKE OUT					
GENERAL FUND					
INSERT IN PLACE THEREOF					
GENERAL FUND					
TOTAL					
03 RESOURCE PROTECTION AND DEVELOPMENT					
03 RESOURCES AND ECONOMIC DEVELOPMENT					
04 PARKS AND RECREATION					
07 OFF HIGHWAY REC VEHICLES					
STRIKE OUT					
20 CURRENT EXPENSES					
				77,598	76,084
				1030,358	1029,052
				1042,358	1041,652
				121,026	128,965
				127,445	135,970
				1,100	1,100
				3,100	3,100
				1887,284	1923,633
				1825,385	1874,488
				1887,284	1923,633
				1887,284	1923,633



AMENDMENTS TO	PAGE	80	05/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
HB0300					
03 RESOURCE PROTECTION AND DEVELOPMENT					
04 DEPT OF ENVIRONMENTAL SERVICES					
02 DIV OF WATER RESOURCES					
01 WATER RESOURCES BUREAU					
01 WATER RESOURCES BOARD					
STRIKE OUT					
46 CONSULTANTS			15,000		15,000
STRIKE OUT					
60 BENEFITS			87,267		95,411
INSERT IN PLACE THEREOF					
60 BENEFITS			82,963		90,709
INSERT					
92 CLEARING AND DREDGING			15,000		
TOTAL				668,365	675,236
ESTIMATED SOURCE OF FUNDS FOR					
WATER RESOURCES BOARD					
STRIKE OUT					
GENERAL FUND			661,374		683,896
INSERT IN PLACE THEREOF					
GENERAL FUND			636,575		642,822
TOTAL				668,365	675,236
03 RESOURCE PROTECTION AND DEVELOPMENT					
04 DEPT OF ENVIRONMENTAL SERVICES					
02 DIV OF WATER RESOURCES					
01 WATER RESOURCES BUREAU					
02 LAKEPORT PROJECT					
STRIKE OUT			40,760		42,479
10 PERSONAL SERVICES - PERMANENT					
INSERT IN PLACE THEREOF			17,516		18,182
10 PERSONAL SERVICES - PERMANENT					
STRIKE OUT			8,559		9,345
60 BENEFITS					
INSERT IN PLACE THEREOF			3,678		4,000
60 BENEFITS					
TOTAL				22,589	22,639
ESTIMATED SOURCE OF FUNDS FOR					
LAKEPORT PROJECT					
STRIKE OUT					
05 PRIVATE OR LOCAL FUNDS				42,134	43,204





AMENDMENTS TO	PAGE	82	05/01/87		FISCAL YEAR 1988	FISCAL YEAR 1989
HBO300				(CONT.)		
03 RESOURCE PROTECTION AND DEVELOPMENT				(CONT.)		
04 DEPT OF ENVIRONMENTAL SERVICES				(CONT.)		
02 DIV OF WATER RESOURCES				(CONT.)		
02 MAINTENANCE BUREAU						
STRIKE OUT						
70 IN-STATE TRAVEL		8,000				8,000
INSERT IN PLACE THEREOF						
70 IN-STATE TRAVEL		5,000				5,000
TOTAL			399,466			434,529
ESTIMATED SOURCE OF FUNDS FOR						
MAINTENANCE BUREAU						
STRIKE OUT						
01 OTHER AGENCY FUNDS			567,128			585,939
INSERT IN PLACE THEREOF						
01 OTHER AGENCY FUNDS			399,466			434,529
STRIKE OUT						
GENERAL FUND			399,466			22,000
TOTAL				1554,658		434,529
TOTAL						1609,469
ESTIMATED SOURCE OF FUNDS FOR						
DIV OF WATER RESOURCES						
GENERAL FUNDS				934,275		951,378
OTHER FUNDS				620,383		638,091
TOTAL				1554,658		1609,469
03 RESOURCE PROTECTION AND DEVELOPMENT						
04 DEPT OF ENVIRONMENTAL SERVICES						
03 DIV OF WATER POLLUTION CONTROL						
01 WATER POLLUTION PROGRAM						
01 POLLUTION CONTROL PROGRAM						
STRIKE OUT						
70 IN-STATE TRAVEL		54,400				34,217
INSERT IN PLACE THEREOF						
70 IN-STATE TRAVEL		30,000				34,217
TOTAL			14370,115			14545,326
ESTIMATED SOURCE OF FUNDS FOR						
POLLUTION CONTROL PROGRAM						

AMENDMENTS TO HB0300	PAGE	33	05/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
03 RESOURCE PROTECTION AND DEVELOPMENT					
04 DEPT OF ENVIRONMENTAL SERVICES					
03 DIV OF WATER POLLUTION CONTROL					
01 WATER POLLUTION PROGRAM					
01 POLLUTION CONTROL PROGRAM					
STRIKE OUT					
GENERAL FUND				14027,243	14178,745
INSERT IN PLACE THEREOF					
GENERAL FUND				14002,843	14178,745
TOTAL				14370,115	14545,326
TOTAL				14370,115	14545,326
ESTIMATED SOURCE OF FUNDS FOR					
WATER POLLUTION PROGRAM					
FEDERAL FUNDS				367,272	360,581
GENERAL FUNDS				14002,843	14178,745
TOTAL				14370,115	14545,326
03 RESOURCE PROTECTION AND DEVELOPMENT					
04 DEPT OF ENVIRONMENTAL SERVICES					
03 DIV OF WATER POLLUTION CONTROL					
02 HAZARDOUS WASTE CONTROL					
01 HAZARDOUS WASTE INVESTIGATION					
STRIKE OUT					
10 PERSONAL SERVICES - PERMANENT				261,900	272,350
INSERT IN PLACE THEREOF					
10 PERSONAL SERVICES - PERMANENT				231,617	240,702
STRIKE OUT					
20 CURRENT EXPENSES				21,913	24,576
INSERT IN PLACE THEREOF					
20 CURRENT EXPENSES				19,313	21,876
STRIKE OUT					
30 EQUIPMENT				9,325	8,400
INSERT IN PLACE THEREOF					
30 EQUIPMENT				8,400	8,400
STRIKE OUT					
60 BENEFITS				55,428	60,368
INSERT IN PLACE THEREOF					
60 BENEFITS				49,069	53,405
STRIKE OUT					
70 IN-STATE TRAVEL				7,500	7,500

AMENDMENTS TO	PAGE	84	05/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
HB0300						
03 RESOURCE PROTECTION AND DEVELOPMENT						
04 DEPT OF ENVIRONMENTAL SERVICES						
03 DIV OF WATER POLLUTION CONTROL						
02 HAZARDOUS WASTE CONTROL						
01 HAZARDOUS WASTE INVESTIGATION						
INSERT IN PLACE THEREOF				5,500	5,500	
70 IN-STATE TRAVEL						440,260
TOTAL				424,029		440,260
ESTIMATED SOURCE OF FUNDS FOR						
HAZARDOUS WASTE INVESTIGATION						
STRIKE OUT						483,571
01 TRANSFER FROM WASTE MANAGEMENT				466,196		440,260
INSERT IN PLACE THEREOF				424,029		440,260
01 TRANSFER FROM WASTE MANAGEMENT				424,029		440,260
TOTAL				14950,551		4116,948
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
HAZARDOUS WASTE CONTROL						
FEDERAL FUNDS				14350,152		3500,316
OTHER FUNDS				600,399		616,632
TOTAL				14950,551		4116,948
03 RESOURCE PROTECTION AND DEVELOPMENT						
04 DEPT OF ENVIRONMENTAL SERVICES						
03 DIV OF WATER POLLUTION CONTROL						
07 SUBSURFACE WASTE DISPOSAL						
STRIKE OUT				718,726		756,224
10 PERSONAL SERVICES - PERMANENT						
INSERT IN PLACE THEREOF				696,438		732,980
10 PERSONAL SERVICES - PERMANENT						
STRIKE OUT				105,423		128,551
20 CURRENT EXPENSES						
INSERT IN PLACE THEREOF				102,823		125,851
20 CURRENT EXPENSES						
STRIKE OUT				106,375		
30 EQUIPMENT						
INSERT IN PLACE THEREOF				105,450		
30 EQUIPMENT						



AMENDMENTS TO  
HB0300 PAGE 86 05/01/87

----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

(CONT.)  
(CONT.)  
(CONT.)  
(CONT.)

03 RESOURCE PROTECTION AND DEVELOPMENT  
04 DEPT OF ENVIRONMENTAL SERVICES  
03 DIV OF WATER POLLUTION CONTROL  
08 NONPOINT POLLUTION CONTROL

STRIKE OUT			
70 IN-STATE TRAVEL	3,500	3,500	
INSERT IN PLACE THEREOF			
70 IN-STATE TRAVEL	9,500	9,500	
TOTAL	357,310		371,070
ESTIMATED SOURCE OF FUNDS FOR NONPOINT POLLUTION CONTROL			
STRIKE OUT			
SEC 205J PLANNING	245,012		256,172
INSERT IN PLACE THEREOF			
SEC 205J PLANNING	357,310		371,070
TOTAL	357,310		371,070

03 RESOURCE PROTECTION AND DEVELOPMENT  
04 DEPT OF ENVIRONMENTAL SERVICES  
03 DIV OF WATER POLLUTION CONTROL  
05 LABORATORY OPERATIONS  
01 LABORATORY COST CENTER

STRIKE OUT			
10 PERSONAL SERVICES -PERMANENT	712,987	745,269	
INSERT IN PLACE THEREOF			
10 PERSONAL SERVICES -PERMANENT	576,487	602,725	
STRIKE OUT			
20 CURRENT EXPENSES	100,548	105,352	
INSERT IN PLACE THEREOF			
20 CURRENT EXPENSES	95,348	99,952	
STRIKE OUT			
30 EQUIPMENT	1,850		
STRIKE OUT			
60 BENEFITS	149,727	163,960	
INSERT IN PLACE THEREOF			
60 BENEFITS	121,062	132,600	
TOTAL	1042,216		1087,438
ESTIMATED SOURCE OF FUNDS FOR LABORATORY COST CENTER			

AMENDMENTS TO PAGE 37 05/01/87  
HB0300

----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

03 RESOURCE PROTECTION AND DEVELOPMENT  
04 DEPT OF ENVIRONMENTAL SERVICES  
05 DIV OF WATER POLLUTION CONTROL  
09 LABORATORY OPERATIONS  
01 LABORATORY COST CENTER

(CONT.)  
(CONT.)  
(CONT.)  
(CONT.)  
(CONT.)

STRIKE OUT  
SAFE DRINKING WATER ACT  
INSERT IN PLACE THEREOF  
FEDERAL FUNDS  
STRIKE OUT  
GENERAL FUND  
INSERT IN PLACE THEREOF  
GENERAL FUND  
TOTAL

281,143  
281,143  
851,288  
679,073  
1042,216  
1042,216  
289,958  
289,958  
894,784  
715,480  
1087,438  
1087,438

TOTAL  
ESTIMATED SOURCE OF FUNDS FOR  
LABORATORY OPERATIONS  
FEDERAL FUNDS  
GENERAL FUNDS  
OTHER FUNDS  
TOTAL

281,143  
679,073  
82,000  
1042,216  
289,958  
715,480  
82,000  
1087,438

TOTAL  
ESTIMATED SOURCE OF FUNDS FOR  
DIV OF WATER POLLUTION CONTROL  
FEDERAL FUNDS  
GENERAL FUNDS  
OTHER FUNDS  
TOTAL

35605,216  
17226,600  
15989,141  
2389,475  
35605,216  
25133,499  
6460,317  
16184,660  
2488,522  
25133,499

03 RESOURCE PROTECTION AND DEVELOPMENT  
04 DEPT OF ENVIRONMENTAL SERVICES  
05 DIV OF WASTE MANAGEMENT  
02 NON-RECREA PROGRAMS

STRIKE OUT  
10 PERSONAL SERVICES - PERMANENT  
INSERT IN PLACE THEREOF  
10 PERSONAL SERVICES - PERMANENT  
STRIKE OUT  
20 CURRENT EXPENSES

581,605  
521,311  
39,205  
610,946  
547,979  
40,509



AMENDMENTS TO	PAGE	88	05/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
HB0300					
03 RESOURCE PROTECTION AND DEVELOPMENT					
04 DEPT OF ENVIRONMENTAL SERVICES					
05 DIV OF WASTE MANAGEMENT					
02 NON-RECRA PROGRAMS					
INSERT IN PLACE THEREOF					
20 CURRENT EXPENSES			37,410		38,714
STRIKE OUT					
30 EQUIPMENT			20,029		10,944
INSERT IN PLACE THEREOF					
30 EQUIPMENT			12,329		10,000
STRIKE OUT					
30 BENEFITS			133,511		146,746
INSERT IN PLACE THEREOF					
60 BENEFITS			120,849		132,894
STRIKE OUT					
70 IN-STATE TRAVEL			21,733		21,733
INSERT IN PLACE THEREOF					
70 IN-STATE TRAVEL			20,633		20,633
STRIKE OUT					
80 OUT-OF-STATE TRAVEL			6,525		6,525
INSERT IN PLACE THEREOF					
80 OUT-OF-STATE TRAVEL			6,725		6,725
TOTAL			1256,916		1306,600
ESTIMATED SOURCE OF FUNDS FOR					
NON-RECRA PROGRAMS					
STRIKE OUT					
GENERAL FUND			1290,261		1337,894
INSERT IN PLACE THEREOF					
GENERAL FUND			1206,910		1257,436
TOTAL			1256,916		1306,600
03 RESOURCE PROTECTION AND DEVELOPMENT					
04 DEPT OF ENVIRONMENTAL SERVICES					
05 DIV OF WASTE MANAGEMENT					
03 HAZARDOUS WASTE FUND					
STRIKE OUT					
96 CONTRACTS AND AGREEMENTS			466,196		483,571
INSERT IN PLACE THEREOF					
96 CONTRACTS AND AGREEMENTS			424,029		440,260

AMENDMENTS TO	PAGE	87	05/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
H80300					
03 RESOURCE PROTECTION AND DEVELOPMENT 04 DEPT OF ENVIRONMENTAL SERVICES 05 DIV OF WASTE MANAGEMENT 03 HAZARDOUS WASTE FUND (CONT.) (CONT.) (CONT.)					
TOTAL				738,436	745,201
ESTIMATED SOURCE OF FUNDS FOR HAZARDOUS WASTE FUND					
STRIKE OUT					
GENERAL FUND				188,436	170,201
INSERT IN PLACE THEREOF				146,269	126,890
GENERAL FUND				738,436	745,201
TOTAL					
TOTAL				2366,941	2429,854
ESTIMATED SOURCE OF FUNDS FOR DIV OF WASTE MANAGEMENT					
FEDERAL FUNDS				223,491	223,491
GENERAL FUNDS				1481,277	1538,888
OTHER FUNDS				642,173	667,475
TOTAL				2366,941	2429,854
TOTAL				41054,285	30740,838
ESTIMATED SOURCE OF FUNDS FOR DEPT OF ENVIRONMENTAL SERVICES					
FEDERAL FUNDS				18007,209	7268,310
GENERAL FUNDS				19270,337	19529,433
OTHER FUNDS				3776,739	3963,093
TOTAL				41054,285	30740,838
TOTAL				62372,430	52575,570
ESTIMATED SOURCE OF FUNDS FOR RESOURCE PROTECTION AND DEVELOPMENT					
FEDERAL FUNDS				19143,179	8541,770
GENERAL FUNDS				32027,397	32175,141
FISH AND GAME				5192,915	5628,792
OTHER FUNDS				6008,939	6229,867
TOTAL				62372,430	52575,570
04 TRANSPORTATION 01 DEPARTMENT OF TRANSPORTATION 01 ADMINISTRATION DIVISION 01 EXECUTIVE OFFICE					
STRIKE OUT					
1U PERSONAL SERVICES - PERMANENT				618,994	696,047

AMENDMENTS TO	PAGE	90	05/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
H80300						
(CONT.)						
(CONT.)						
(CONT.)						
(CONT.)						
04 TRANSPORTATION						
01 DEPARTMENT OF TRANSPORTATION						
01 ADMINISTRATION DIVISION						
01 EXECUTIVE OFFICE						
INSERT IN PLACE THEREOF				568,897	595,991	
10 PERSONAL SERVICES - PERMANENT						
STRIKE OUT				104,251	105,804	
20 CURRENT EXPENSES						
INSERT IN PLACE THEREOF				104,251	105,704	
20 CURRENT EXPENSES						
STRIKE OUT				507,800	577,370	
30 EQUIPMENT						
INSERT IN PLACE THEREOF				432,800	450,660	
30 EQUIPMENT						
STRIKE OUT				125,000	125,000	
40 CONSULTANTS						
INSERT IN PLACE THEREOF				75,000	75,000	
40 CONSULTANTS						
STRIKE OUT				417,860	478,630	
50 OTHER PERSONAL SERVICES						
INSERT IN PLACE THEREOF				417,860	417,860	
50 OTHER PERSONAL SERVICES						
STRIKE OUT				195,763	228,185	
60 BENEFITS						
INSERT IN PLACE THEREOF				185,243	201,608	
60 BENEFITS						
TOTAL				2092,824	2162,084	
ESTIMATED SOURCE OF FUNDS FOR						
EXECUTIVE OFFICE						
STRIKE OUT				2278,441	2526,297	
HIGHWAY FUND						
INSERT IN PLACE THEREOF				2092,824	2162,084	
HIGHWAY FUND				2092,824	2162,084	
TOTAL						
04 TRANSPORTATION						
01 DEPARTMENT OF TRANSPORTATION						
01 ADMINISTRATION DIVISION						
02 BUDGET & FINANCE BUREAU						
STRIKE OUT				638,680	670,401	
10 PERSONAL SERVICES - PERMANENT						



AMENDMENTS TO PAGE 92 05/01/87  
HB0300

----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

04 TRANSPORTATION  
01 DEPARTMENT OF TRANSPORTATION  
01 ADMINISTRATION DIVISION  
03 ADMINISTRATION & CONTRACTS BUREAU

(CONT.)  
(CONT.)  
(CONT.)  
(CONT.)

STRIKE OUT			
60 BENEFITS	64,640	75,358	
INSERT IN PLACE THEREOF			
60 BENEFITS	61,982	68,314	
TOTAL			775,915
ESTIMATED SOURCE OF FUNDS FOR			
ADMINISTRATION & CONTRACTS BUREAU			
STRIKE OUT			
HIGHWAY FUND			
INSERT IN PLACE THEREOF			
HIGHWAY FUND	724,475	696,589	775,915
TOTAL		674,475	775,915
		724,475	

04 TRANSPORTATION  
01 DEPARTMENT OF TRANSPORTATION  
01 ADMINISTRATION DIVISION  
04 HUMAN RESOURCES BUREAU

STRIKE OUT			
10 PERSONAL SERVICES - PERMANENT	261,846	276,173	
INSERT IN PLACE THEREOF			
10 PERSONAL SERVICES - PERMANENT	227,818	240,721	
STRIKE OUT			
20 CURRENT EXPENSES	28,360	28,520	
INSERT IN PLACE THEREOF			
20 CURRENT EXPENSES	28,260	28,520	
STRIKE OUT			
30 EQUIPMENT	875		
STRIKE OUT			
60 BENEFITS	55,407	61,309	
INSERT IN PLACE THEREOF			
60 BENEFITS	48,261	53,509	
TOTAL			325,250
ESTIMATED SOURCE OF FUNDS FOR			
HUMAN RESOURCES BUREAU			
	306,339		





AMENDMENTS TO	PAGE	94	05/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
04 TRANSPORTATION 01 DEPARTMENT OF TRANSPORTATION 01 ADMINISTRATION DIVISION 05 DATA MANAGEMENT BUREAU (CONT.) (CONT.) (CONT.) (CONT.)					
INSERT IN PLACE THEREOF HIGHWAY FUND TOTAL				2034,558 2034,558	2193,496 2193,496
04 TRANSPORTATION 01 DEPARTMENT OF TRANSPORTATION 01 ADMINISTRATION DIVISION 06 TRANSPORTATION PLANNING BUREAU					
STRIKE OUT 70 PERSONAL SERVICES - PERMANENT INSERT IN PLACE THEREOF 70 PERSONAL SERVICES - PERMANENT STRIKE OUT 30 EQUIPMENT INSERT IN PLACE THEREOF 30 EQUIPMENT STRIKE OUT 60 BENEFITS INSERT IN PLACE THEREOF 60 BENEFITS STRIKE OUT 70 IN-STATE TRAVEL INSERT IN PLACE THEREOF 70 IN-STATE TRAVEL STRIKE OUT 80 OUT-OF-STATE TRAVEL INSERT IN PLACE THEREOF 80 OUT-OF-STATE TRAVEL				1017,722  1017,722  1,000 1,000  216,107 216,107 43,500 43,500 400 400	1105,989 1075,705 500  246,059 239,396 45,328 44,928 1,000 400
TOTAL ESTIMATED SOURCE OF FUNDS FOR TRANSPORTATION PLANNING BUREAU STRIKE OUT HIGHWAY FUND INSERT IN PLACE THEREOF HIGHWAY FUND				1321,197  1321,197 1321,197	1404,607  1443,054 1404,607

AMENDMENTS TO HB0300	PAGE	95 05/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
 (CONT.) (CONT.) (CONT.) (CONT.)				
04. TRANSPORTATION				
01 DEPARTMENT OF TRANSPORTATION				
06 TRANSPORTATION PLANNING BUREAU				
TOTAL			1321,197	1404,607
TOTAL			7586,376	8030,094
ESTIMATED SOURCE OF FUNDS FOR				
ADMINISTRATION DIVISION				
HIGHWAY FUNDS			7536,376	7980,094
OTHER FUNDS			30,000	50,000
TOTAL			7566,376	8030,094
 04. TRANSPORTATION				
01 DEPARTMENT OF TRANSPORTATION				
02 OPERATIONS DIVISION				
01 ROAD MAINTENANCE BUREAU				
STRIKE OUT				
10 PERSONAL SERVICES - PERMANENT		13484,225		14161,135
INSERT IN PLACE THEREOF				
10 PERSONAL SERVICES - PERMANENT		13347,605		14019,085
STRIKE OUT				
19 POL/F&G/HWY		2855,350		2920,008
INSERT IN PLACE THEREOF				
19 POL/F&G/HWY		2853,850		2918,508
STRIKE OUT				
30 EQUIPMENT		2,500		
INSERT IN PLACE THEREOF				
30 EQUIPMENT		1,000		
STRIKE OUT				
60 BENEFITS		3456,200		3784,653
INSERT IN PLACE THEREOF				
60 BENEFITS		3427,194		3753,072
TOTAL			41553,823	42838,180
ESTIMATED SOURCE OF FUNDS FOR				
ROAD MAINTENANCE BUREAU				
STRIKE OUT				
HIGHWAY FUND			41722,449	43013,311

AMENDMENTS TO H80300	PAGE	96	05/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
(CONT.)					
(CONT.)					
(CONT.)					
(CONT.)					
04 TRANSPORTATION					
01 DEPARTMENT OF TRANSPORTATION					
02 OPERATIONS DIVISION					
01 ROAD MAINTENANCE BUREAU					
INSERT IN PLACE THEREOF				41553,823	42838,180
HIGHWAY FUND				41553,823	42838,180
TOTAL					
04 TRANSPORTATION					
01 DEPARTMENT OF TRANSPORTATION					
02 OPERATIONS DIVISION					
03 TRAFFIC OPERATION BUREAU					
STRIKE OUT					
10 PERSONAL SERVICES - PERMANENT			1173,357		1263,276
INSERT IN PLACE THEREOF			1173,357		1224,339
10 PERSONAL SERVICES - PERMANENT					
STRIKE OUT			272,555		305,340
60 BENEFITS					
INSERT IN PLACE THEREOF			272,555		296,774
60 BENEFITS					
TOTAL				3213,526	3316,947
ESTIMATED SOURCE OF FUNDS FOR					
TRAFFIC OPERATION BUREAU					
STRIKE OUT				3013,526	3164,450
HIGHWAY FUND					
INSERT IN PLACE THEREOF				3013,526	3116,947
HIGHWAY FUND				3213,526	3316,947
TOTAL					
04 TRANSPORTATION					
01 DEPARTMENT OF TRANSPORTATION					
02 OPERATIONS DIVISION					
04 MECHANICAL OPERATION BUREAU					
STRIKE OUT					
10 PERSONAL SERVICES - PERMANENT			1598,869		1711,240
INSERT IN PLACE THEREOF			1566,047		1636,641
10 PERSONAL SERVICES - PERMANENT					

AMENDMENTS TO	PAGE	97	05/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
HB0300						
04 TRANSPORTATION				(CONT.)		
01 DEPARTMENT OF TRANSPORTATION				(CONT.)		
02 OPERATIONS DIVISION				(CONT.)		
04 MECHANICAL OPERATION BUREAU				(CONT.)		
STRIKE OUT				3516,376	3801,364	
20 CURRENT EXPENSES						
INSERT IN PLACE THEREOF				3511,076	3796,064	
20 CURRENT EXPENSES						
STRIKE OUT				3098,348	3098,348	
30 EQUIPMENT						
INSERT IN PLACE THEREOF				2348,348	2348,348	
30 EQUIPMENT						
STRIKE OUT				80,000	20,500	
50 OTHER PERSONAL SERVICES						
INSERT IN PLACE THEREOF				25,000	20,500	
50 OTHER PERSONAL SERVICES						
STRIKE OUT				356,182	393,413	
60 BENEFITS						
INSERT IN PLACE THEREOF				345,358	377,001	
60 BENEFITS						
INSERT						
* THIS APPROPRIATION SHALL NOT BE EXPENDED, ENCUMBERED OR OBLIGATED IN ANY WAY UNTIL SUCH TIME AS THE DEPARTMENT OF TRANSPORTATION HAS DEVELOPED AN ACQUISITION PLAN AND RECEIVED THE APPROVAL OF SUCH PLAN FROM BOTH THE CAPITAL BUDGET OVERVIEW COMMITTEE AND THE GOVERNOR AND COUNCIL. THE DEPARTMENT OF TRANSPORTATION SHALL SUBMIT MONTHLY STATUS REPORT OF THE PLAN TO THE CAPITAL BUDGET OVERVIEW COMMITTEE AND THE GOVERNOR AND COUNCIL FOR REVIEW BOTH DURING AND BETWEEN LEGISLATIVE SESSIONS.						
TOTAL				8009,700		8405,987
ESTIMATED SOURCE OF FUNDS FOR						
MECHANICAL OPERATION BUREAU						
STRIKE OUT						
HIGHWAY FUND				4420,526		4809,178
INSERT IN PLACE THEREOF						
HIGHWAY FUND				3566,580		3962,867

AMENDMENTS TO PAGE 100 05/01/87  
HB0300

----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

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04 TRANSPORTATION  
01 DEPARTMENT OF TRANSPORTATION  
03 PROJECT DEVELOPMENT DIVISION  
04 ENVIRONMENTAL BUREAU

04 TRANSPORTATION  
01 DEPARTMENT OF TRANSPORTATION  
03 PROJECT DEVELOPMENT DIVISION  
07 CONSTRUCTION BUREAU

STRIKE OUT			
10 PERSONAL SERVICES - PERMANENT	2886,115	3007,282	
INSERT IN PLACE THEREOF			
10 PERSONAL SERVICES - PERMANENT	2805,657	2923,392	
STRIKE OUT			
60 BENEFITS	679,235	739,556	
INSERT IN PLACE THEREOF			
60 BENEFITS	662,339	721,100	
STRIKE OUT			
70 IN-STATE TRAVEL	141,401	143,800	
INSERT IN PLACE THEREOF			
70 IN-STATE TRAVEL	131,401	133,800	

TOTAL 3978,335 4163,830

ESTIMATED SOURCE OF FUNDS FOR  
CONSTRUCTION BUREAU

STRIKE OUT			
HIGHWAY FUND	4085,689	4276,176	
INSERT IN PLACE THEREOF			
HIGHWAY FUND	3978,335	4163,830	
TOTAL	3978,335	4163,830	

04 TRANSPORTATION  
01 DEPARTMENT OF TRANSPORTATION  
03 PROJECT DEVELOPMENT DIVISION  
08 ENGINEERING AUDIT BUREAU

STRIKE OUT  
10 PERSONAL SERVICES - PERMANENT

358,905 375,797

AMENDMENTS TO	PAGE	99	05/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
HB0300						
04 TRANSPORTATION						
01 DEPARTMENT OF TRANSPORTATION						
03 PROJECT DEVELOPMENT DIVISION						
02 RIGHT-OF-WAY BUREAU						
(CONT.)						
03 PROJECT DEVELOPMENT DIVISION						
02 RIGHT-OF-WAY BUREAU						
(CONT.)						
INSERT IN PLACE THEREOF						
10 PERSONAL SERVICES - PERMANENT						
STRIKE OUT						
20 CURRENT EXPENSES						
INSERT IN PLACE THEREOF						
20 CURRENT EXPENSES						
STRIKE OUT						
60 BENEFITS						
INSERT IN PLACE THEREOF						
60 BENEFITS						
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
RIGHT-OF-WAY BUREAU						
STRIKE OUT						
HIGHWAY FUND						
INSERT IN PLACE THEREOF						
HIGHWAY FUND						
TOTAL						
04 TRANSPORTATION						
01 DEPARTMENT OF TRANSPORTATION						
03 PROJECT DEVELOPMENT DIVISION						
04 ENVIRONMENTAL BUREAU						
STRIKE OUT						
90 LLIC PROGRAM						
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
ENVIRONMENTAL BUREAU						
STRIKE OUT						
HIGHWAY FUND						
INSERT IN PLACE THEREOF						
HIGHWAY FUND						
TOTAL						

924,226

966,159

56,394

51,906

200,940

196,452

1229,744

1229,744

1260,092

1229,744

1229,744

1307,463

1339,560

1307,463

1307,463

50,000

50,000

787,010

787,010

832,554

832,554

832,554

832,554

832,554

832,554



AMENDMENTS TO PAGE 103 05/01/87  
HB0300

----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

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04 TRANSPORTATION  
01 DEPARTMENT OF TRANSPORTATION  
03 PROJECT DEVELOPMENT DIVISION  
04 ENVIRONMENTAL BUREAU

04 TRANSPORTATION  
01 DEPARTMENT OF TRANSPORTATION  
03 PROJECT DEVELOPMENT DIVISION  
07 CONSTRUCTION BUREAU

STRIKE OUT			
10 PERSONAL SERVICES - PERMANENT	2886,115	3007,282	
INSERT IN PLACE THEREOF			
10 PERSONAL SERVICES - PERMANENT	2805,657	2923,392	
STRIKE OUT			
60 BENEFITS	679,235	739,556	
INSERT IN PLACE THEREOF			
60 BENEFITS	662,339	721,100	
STRIKE OUT			
70 IN-STATE TRAVEL	141,401	143,800	
INSERT IN PLACE THEREOF			
70 IN-STATE TRAVEL	131,401	133,800	
TOTAL			4163,830
ESTIMATED SOURCE OF FUNDS FOR	3978,335		
CONSTRUCTION BUREAU			
STRIKE OUT			
HIGHWAY FUND	4085,689		4276,176
INSERT IN PLACE THEREOF			
HIGHWAY FUND	3978,335		4163,830
TOTAL	3978,335		4163,830

04 TRANSPORTATION  
01 DEPARTMENT OF TRANSPORTATION  
03 PROJECT DEVELOPMENT DIVISION  
08 ENGINEERING AUDIT BUREAU

STRIKE OUT  
10 PERSONAL SERVICES - PERMANENT

375,797

358,905

AMENDMENTS TO	PAGE	101	05/01/87			FISCAL YEAR 1988	FISCAL YEAR 1989
H80300							
O4 TRANSPORTATION							
O1 DEPARTMENT OF TRANSPORTATION							
O3 PROJECT DEVELOPMENT DIVISION							
O8 ENGINEERING AUDIT BUREAU							
(CONT.)							
(CONT.)							
(CONT.)							
(CONT.)							
INSERT IN PLACE THEREOF							
10 PERSONAL SERVICES - PERMANENT							
STRIKE OUT							
60 BENEFITS							
INSERT IN PLACE THEREOF							
60 BENEFITS							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
ENGINEERING AUDIT BUREAU							
STRIKE OUT							
HIGHWAY FUND							
INSERT IN PLACE THEREOF							
HIGHWAY FUND							
TOTAL						410,083	432,685
O4 TRANSPORTATION							
O1 DEPARTMENT OF TRANSPORTATION							
O3 PROJECT DEVELOPMENT DIVISION							
O9 MATCHING FUNDS							
O1 INTERSTATE							
STRIKE OUT							
41 AUDIT FUND SET ASIDE							
INSERT IN PLACE THEREOF							
41 AUDIT FUND SET ASIDE							
STRIKE OUT							
90 FEDERAL AID INTERSTATE							
INSERT IN PLACE THEREOF							
90 FEDERAL AID INTERSTATE							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
INTERSTATE							
STRIKE OUT							
FEDERAL AID INTERSTATE							
INSERT IN PLACE THEREOF							
FEDERAL AID INTERSTATE							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
INTERSTATE							
STRIKE OUT							
FEDERAL AID INTERSTATE							
INSERT IN PLACE THEREOF							
FEDERAL AID INTERSTATE							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
INTERSTATE							
STRIKE OUT							
FEDERAL AID INTERSTATE							
INSERT IN PLACE THEREOF							
FEDERAL AID INTERSTATE							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
INTERSTATE							
STRIKE OUT							
FEDERAL AID INTERSTATE							
INSERT IN PLACE THEREOF							
FEDERAL AID INTERSTATE							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
INTERSTATE							
STRIKE OUT							
FEDERAL AID INTERSTATE							
INSERT IN PLACE THEREOF							
FEDERAL AID INTERSTATE							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
INTERSTATE							
STRIKE OUT							
FEDERAL AID INTERSTATE							
INSERT IN PLACE THEREOF							
FEDERAL AID INTERSTATE							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
INTERSTATE							
STRIKE OUT							
FEDERAL AID INTERSTATE							
INSERT IN PLACE THEREOF							
FEDERAL AID INTERSTATE							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
INTERSTATE							
STRIKE OUT							
FEDERAL AID INTERSTATE							
INSERT IN PLACE THEREOF							
FEDERAL AID INTERSTATE							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
INTERSTATE							
STRIKE OUT							
FEDERAL AID INTERSTATE							
INSERT IN PLACE THEREOF							
FEDERAL AID INTERSTATE							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
INTERSTATE							
STRIKE OUT							
FEDERAL AID INTERSTATE							
INSERT IN PLACE THEREOF							
FEDERAL AID INTERSTATE							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
INTERSTATE							
STRIKE OUT							
FEDERAL AID INTERSTATE							
INSERT IN PLACE THEREOF							
FEDERAL AID INTERSTATE							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
INTERSTATE							
STRIKE OUT							
FEDERAL AID INTERSTATE							
INSERT IN PLACE THEREOF							
FEDERAL AID INTERSTATE							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
INTERSTATE							
STRIKE OUT							
FEDERAL AID INTERSTATE							
INSERT IN PLACE THEREOF							
FEDERAL AID INTERSTATE							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
INTERSTATE							
STRIKE OUT							
FEDERAL AID INTERSTATE							
INSERT IN PLACE THEREOF							
FEDERAL AID INTERSTATE							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
INTERSTATE							
STRIKE OUT							
FEDERAL AID INTERSTATE							
INSERT IN PLACE THEREOF							
FEDERAL AID INTERSTATE							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
INTERSTATE							
STRIKE OUT							
FEDERAL AID INTERSTATE							
INSERT IN PLACE THEREOF							
FEDERAL AID INTERSTATE							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
INTERSTATE							
STRIKE OUT							
FEDERAL AID INTERSTATE							
INSERT IN PLACE THEREOF							
FEDERAL AID INTERSTATE							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
INTERSTATE							
STRIKE OUT							
FEDERAL AID INTERSTATE							
INSERT IN PLACE THEREOF							
FEDERAL AID INTERSTATE							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
INTERSTATE							
STRIKE OUT							
FEDERAL AID INTERSTATE							
INSERT IN PLACE THEREOF							
FEDERAL AID INTERSTATE							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
INTERSTATE							
STRIKE OUT							
FEDERAL AID INTERSTATE							
INSERT IN PLACE THEREOF							
FEDERAL AID INTERSTATE							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
INTERSTATE							
STRIKE OUT							
FEDERAL AID INTERSTATE							
INSERT IN PLACE THEREOF							
FEDERAL AID INTERSTATE							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
INTERSTATE							
STRIKE OUT							
FEDERAL AID INTERSTATE							
INSERT IN PLACE THEREOF							
FEDERAL AID INTERSTATE							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
INTERSTATE							
STRIKE OUT							
FEDERAL AID INTERSTATE							
INSERT IN PLACE THEREOF							
FEDERAL AID INTERSTATE							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
INTERSTATE							
STRIKE OUT							
FEDERAL AID INTERSTATE							
INSERT IN PLACE THEREOF							
FEDERAL AID INTERSTATE							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
INTERSTATE							
STRIKE OUT							
FEDERAL AID INTERSTATE							
INSERT IN PLACE THEREOF							
FEDERAL AID INTERSTATE							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
INTERSTATE							
STRIKE OUT							
FEDERAL AID INTERSTATE							
INSERT IN PLACE THEREOF							
FEDERAL AID INTERSTATE							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
INTERSTATE							
STRIKE OUT							
FEDERAL AID INTERSTATE							
INSERT IN PLACE THEREOF							
FEDERAL AID INTERSTATE							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
INTERSTATE							
STRIKE OUT							
FEDERAL AID INTERSTATE							
INSERT IN PLACE THEREOF							
FEDERAL AID INTERSTATE							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
INTERSTATE							
STRIKE OUT							
FEDERAL AID INTERSTATE							
INSERT IN PLACE THEREOF							
FEDERAL AID INTERSTATE							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
INTERSTATE							
STRIKE OUT							
FEDERAL AID INTERSTATE							
INSERT IN PLACE THEREOF							
FEDERAL AID INTERSTATE							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
INTERSTATE							
STRIKE OUT							
FEDERAL AID INTERSTATE							
INSERT IN PLACE THEREOF							
FEDERAL AID INTERSTATE							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
INTERSTATE							
STRIKE OUT							
FEDERAL AID INTERSTATE							
INSERT IN PLACE THEREOF							
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FEDERAL AID INTERSTATE							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							

AMENDMENTS TO	PAGE	102	05/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
(CONT.) (CONT.) (CONT.) (CONT.)						
04 TRANSPORTATION						
01 DEPARTMENT OF TRANSPORTATION						
03 PROJECT DEVELOPMENT DIVISION						
09 MATCHING FUNDS						
01 INTERSTATE						
TOTAL					7809,200	13126,000
04 TRANSPORTATION						
01 DEPARTMENT OF TRANSPORTATION						
03 PROJECT DEVELOPMENT DIVISION						
09 MATCHING FUNDS						
02 PRIMARY						
STRIKE OUT						
41 AUDIT FUND SET ASIDE				50,000		50,000
INSERT IN PLACE THEREOF						
41 AUDIT FUND SET ASIDE				60,000		50,000
STRIKE OUT						
90 FEDERAL AID PRIMARY				11788,340		11788,340
INSERT IN PLACE THEREOF						
90 FEDERAL AID PRIMARY				24076,809		16607,200
TOTAL					24136,809	16657,200
ESTIMATED SOURCE OF FUNDS FOR						
PRIMARY						
STRIKE OUT						
FED AID PRIMARY RURAL				9546,500		9546,500
INSERT IN PLACE THEREOF						
FED AID PRIMARY RURAL				20114,007		13881,000
STRIKE OUT						
HIGHWAY FUND				2291,840		2291,840
INSERT IN PLACE THEREOF						
HIGHWAY FUND				4022,802		2776,200
TOTAL					24136,809	16657,200
04 TRANSPORTATION						
01 DEPARTMENT OF TRANSPORTATION						
03 PROJECT DEVELOPMENT DIVISION						
09 MATCHING FUNDS						
03 SECONDARY						
STRIKE OUT						
90 FEDERAL AID SECONDARY				3847,307		3847,307

AMENDMENTS TO	PAGE	103	05/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
(CONT.) (CONT.) (CONT.) (CONT.) (CONT.)						
04 TRANSPORTATION						
01 DEPARTMENT OF TRANSPORTATION						
03 PROJECT DEVELOPMENT DIVISION						
09 MATCHING FUNDS						
03 SECONDARY						
INSERT IN PLACE THEREOF						
90 FEDERAL AID SECONDARY				3470,000	3470,000	3510,000
TOTAL				3510,000		3510,000
ESTIMATED SOURCE OF FUNDS FOR						
SECONDARY						
STRIKE OUT						
FED AID SECONDARY RURAL				3169,000		3169,000
INSERT IN PLACE THEREOF						
FED AID SECONDARY RURAL				2925,000		2925,000
STRIKE OUT						
HIGHWAY FUND				718,307		718,307
INSERT IN PLACE THEREOF						
HIGHWAY FUND				585,000		585,000
TOTAL				3510,000		3510,000
04 TRANSPORTATION						
01 DEPARTMENT OF TRANSPORTATION						
03 PROJECT DEVELOPMENT DIVISION						
09 MATCHING FUNDS						
04 URBAN D						
STRIKE OUT						
90 FEDERAL AID URBAN D FUNDS				4060,497	4060,497	
INSERT IN PLACE THEREOF						
90 FEDERAL AID URBAN D FUNDS				4377,196	4377,196	
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
URBAN D				4388,400		4388,400
STRIKE OUT						
FED AID URBAN "D" STATE				3900,000		3900,000
INSERT IN PLACE THEREOF						
FED AID URBAN "D" STATE				3657,000		3657,000
INSERT						
05 PRIVATE LOCAL FUNDS				731,400		731,400
STRIKE OUT						
HIGHWAY FUND				171,701		171,701

AMENDMENTS TO	PAGE	104	05/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
(CONT.)					
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(CONT.)					
(CONT.)					
04 TRANSPORTATION					
01 DEPARTMENT OF TRANSPORTATION					
03 PROJECT DEVELOPMENT DIVISION					
09 MATCHING FUNDS					
04 URBAN D					
TOTAL			4388,400		4388,400
04 TRANSPORTATION					
01 DEPARTMENT OF TRANSPORTATION					
03 PROJECT DEVELOPMENT DIVISION					
09 MATCHING FUNDS					
05 METRO TRANSIT					
STRIKE OUT					
90 METRO TRANSIT		135,516		135,516	
INSERT IN PLACE THEREOF					
90 METRO TRANSIT		310,667		310,667	
TOTAL			310,667		310,667
ESTIMATED SOURCE OF FUNDS FOR					
METRO TRANSIT					
STRIKE OUT					
METRO TRANSIT					
INSERT IN PLACE THEREOF					
METRO TRANSIT		108,413		108,413	
INSERT IN PLACE THEREOF					
METRO TRANSIT		233,000		233,000	
STRIKE OUT					
HIGHWAY FUND			27,103	27,103	
INSERT IN PLACE THEREOF					
HIGHWAY FUND		77,667		77,667	
TOTAL			310,667		310,667
04 TRANSPORTATION					
01 DEPARTMENT OF TRANSPORTATION					
03 PROJECT DEVELOPMENT DIVISION					
09 MATCHING FUNDS					
06 ROADSIDE OBSTACLES					
STRIKE OUT					
90 REMOVE ROADSIDE OBSTACLES		980,000		980,000	
INSERT IN PLACE THEREOF					
90 REMOVE ROADSIDE OBSTACLES		833,000		833,000	
TOTAL			833,000		833,000





AMENDMENTS TO	PAGE	106	05/01/87		FISCAL YEAR 1988	FISCAL YEAR 1989
04 TRANSPORTATION 01 DEPARTMENT OF TRANSPORTATION 03 PROJECT DEVELOPMENT DIVISION 09 MATCHING FUNDS 08 BRIDGE REPLACEMENT			(CONT.) (CONT.) (CONT.) (CONT.) (CONT.)			
INSERT IN PLACE THEREOF						
41 AUDIT FUND SET ASIDE	D			21,000		
STRIKE OUT						
90 BRIDGE REPLACEMENT				10283,625		
INSERT IN PLACE THEREOF						
90 BRIDGE REPLACEMENT				9090,375		
TOTAL				9111,375		9111,375
ESTIMATED SOURCE OF FUNDS FOR						
BRIDGE REPLACEMENT						
STRIKE OUT						
BRIDGE REPLACEMENT				7157,454		7157,454
INSERT IN PLACE THEREOF						
BRIDGE REPLACEMENT				8099,000		8099,000
STRIKE OUT						
05 PRIVATE LOCAL FUNDS				2002,056		2002,056
INSERT IN PLACE THEREOF						
05 PRIVATE LOCAL FUNDS				1012,375		1012,375
STRIKE OUT						
HIGHWAY FUND				1144,682		1144,682
TOTAL				9111,375		9111,375
04 TRANSPORTATION 01 DEPARTMENT OF TRANSPORTATION 03 PROJECT DEVELOPMENT DIVISION 09 MATCHING FUNDS 11 INTERSTATE-RRR						
STRIKE OUT						
90 FED AID INTERSTATE-4R				14409,389		14409,389
INSERT IN PLACE THEREOF						
90 FED AID INTERSTATE-4R				9773,170		10745,555
TOTAL				9773,170		10745,555
ESTIMATED SOURCE OF FUNDS FOR						
INTERSTATE-RRR						
STRIKE OUT						
INTERSTATE 4R						
TOTAL				13651,000		13651,000

AMENDMENTS TO HB0300	PAGE	107	05/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
04 TRANSPORTATION 01 DEPARTMENT OF TRANSPORTATION 03 PROJECT DEVELOPMENT DIVISION 09 MATCHING FUNDS 11 INTERSTATE-RRR				(CONT.) (CONT.) (CONT.) (CONT.) (CONT.)		
INSERT IN PLACE THEREOF INTERSTATE 4R					9258,793	10180,000
STRIKE OUT HIGHWAY FUND					758,389	758,389
INSERT IN PLACE THEREOF HIGHWAY FUND					514,377	565,555
TOTAL					9773,170	10745,555
04 TRANSPORTATION 01 DEPARTMENT OF TRANSPORTATION 03 PROJECT DEVELOPMENT DIVISION 09 MATCHING FUNDS 13 FOREST HIGHWAYS						
INSERT 90 FOREST HIGHWAYS					275,000	275,000
TOTAL ESTIMATED SOURCE OF FUNDS FOR FOREST HIGHWAYS					275,000	275,000
INSERT FEDERAL FUNDS					275,000	275,000
TOTAL					275,000	275,000
04 TRANSPORTATION 01 DEPARTMENT OF TRANSPORTATION 03 PROJECT DEVELOPMENT DIVISION 09 MATCHING FUNDS 25 DEMONSTRATION						
INSERT 90 DEMONSTRATION					1167,318	1167,318
TOTAL ESTIMATED SOURCE OF FUNDS FOR DEMONSTRATION					1167,318	1167,318
INSERT DEMONSTRATION					778,212	778,212

AMENDMENTS TO PAGE 108 05/01/87

	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
(CONT.)		
04 TRANSPORTATION		
01 DEPARTMENT OF TRANSPORTATION		
03 PROJECT DEVELOPMENT DIVISION		
09 MATCHING FUNDS		
25 DEMONSTRATION		
(CONT.)		
INSERT HIGHWAY FUND	389,106	389,106
TOTAL	1167,318	1167,318
04 TRANSPORTATION		
01 DEPARTMENT OF TRANSPORTATION		
03 PROJECT DEVELOPMENT DIVISION		
09 MATCHING FUNDS		
26 DEMO DESCRETIONARY		
INSERT 90 DEMONSTRATION PROJECTS	700,390	700,390
TOTAL	700,390	700,390
ESTIMATED SOURCE OF FUNDS FOR		
DEMO DESCRETIONARY		
INSERT		
DEMONSTRATION PROJECTS		
INSERT HIGHWAY FUND	466,927	466,927
TOTAL	233,463	233,463
	700,390	700,390
TOTAL	6334,329	62154,905
ESTIMATED SOURCE OF FUNDS FOR		
MATCHING FUNDS		
FEDERAL FUNDS	55106,139	55111,139
HIGHWAY FUNDS	5822,415	4626,991
OTHER FUNDS	2416,775	2416,775
TOTAL	63345,329	62154,905
TOTAL	101811,934	102133,580
ESTIMATED SOURCE OF FUNDS FOR		
PROJECT DEVELOPMENT DIVISION		
FEDERAL FUNDS	55106,139	55111,139
HIGHWAY FUNDS	44289,020	44605,666
OTHER FUNDS	2416,775	2416,775
TOTAL	101811,934	102133,580



AMENDMENTS TO		PAGE	110	05/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
04. TRANSPORTATION 01 DEPARTMENT OF TRANSPORTATION 04 PUBLIC WORKS & TRANSPORTATION DIV 01 PUBLIC WORKS BUREAU 01 PUBLIC WORKS						
					(CONT.)	
					(CONT.)	
					(CONT.)	
					(CONT.)	
ESTIMATED SOURCE OF FUNDS FOR						
PUBLIC WORKS						
STRIKE OUT						
GENERAL FUND						
INSERT IN PLACE THEREOF						
GENERAL FUND						
TOTAL						
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
PUBLIC WORKS BUREAU						
GENERAL FUNDS						
OTHER FUNDS						
TOTAL						
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
PUBLIC WORKS & TRANSPORTATION DIV						
FEDERAL FUNDS						
GENERAL FUNDS						
OTHER FUNDS						
TOTAL						
TOTAL						
04. TRANSPORTATION						
01 DEPARTMENT OF TRANSPORTATION						
05 AERONAUTICS DIVISION						
01 ADMINISTRATION & SUPPORT						
STRIKE OUT						
10 PERSONAL SERVICES - PERMANENT						
INSERT IN PLACE THEREOF						
10 PERSONAL SERVICES - PERMANENT						
STRIKE OUT						
20 CURRENT EXPENSES						
INSERT IN PLACE THEREOF						
20 CURRENT EXPENSES						
					196,281	208,120
					231,901	245,436
					17,264	18,178
					18,264	19,178
					3301,242	3297,235
					822,905	819,717
					2320,169	2319,350
					158,168	158,168
					3301,242	3297,235
					1480,573	1529,043
					1403,225	1450,505
					1523,225	1570,505
					1523,225	1570,505
					1403,225	1450,505
					120,000	120,000
					1523,225	1570,505





AMENDMENTS TO PAGE 112 05/01/87

----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

04 TRANSPORTATION (CONT.)  
01 DEPARTMENT OF TRANSPORTATION (CONT.)  
05 AERONAUTICS DIVISION (CONT.)  
01 ADMINISTRATION & SUPPORT (CONT.)

ITURE MAY BE MADE WITHOUT PRIOR APPROVAL OF THE  
FISCAL COMMITTEE AND GOVERNOR AND COUNCIL.

INSERT

\*\*  
THE AERONAUTICS COMMISSION MAY ALLOCATE UP TO  
25% TO AIRPORTS NOT LISTED IN THE NATIONAL PLAN  
OF INTEGRATED AIRPORT SYSTEMS. IN MAKING ALLO-  
CATIONS, THE AERONAUTICS COMMISSION SHALL GIVE  
DUE CONSIDERATION TO AIRPORT SPONSORSHIP,  
AIRPORT CHARACTERISTICS, INCLUDING PAVEMENT,  
AVIATION SERVICES AVAILABLE, TYPE OF AVIATION  
ACTIVITY, ANNUAL AIRCRAFT OPERATION, POPULATION  
SERVED, NUMBER OF BASED AIRCRAFT, DAYS OF  
OPERATION, ETC.

INSERT

\*\*\*  
STATE FUNDS GRANTED TO AIRPORTS WHICH ARE NOT  
ELIGIBLE FOR FEDERAL FUNDS SHALL BE MATCHED  
WITH LOCAL FUNDS ON A 50/50 BASIS. BEFORE ANY  
STATE FUNDS ARE GRANTED, THE AIRPORT SHALL  
EXECUTE AN AGREEMENT WITH THE STATE SUBJECT TO  
THE APPROVAL OF THE GOVERNOR AND COUNCIL,  
GUARANTEEING THAT THE STATE GRANT SHALL BE  
REFUNDED IF THE AIRPORT IS ABANDONED OR CON-  
VERTED TO ANY OTHER USE WITHIN 10 YEARS OF THE  
STATE GRANT.

TOTAL	793,846	804,441
ESTIMATED SOURCE OF FUNDS FOR		
ADMINISTRATION & SUPPORT		
STRIKE OUT		
GENERAL FUND	592,546	656,515
INSERT IN PLACE THEREOF	793,846	804,441
GENERAL FUND	793,846	804,441
TOTAL		

AMENDMENTS TO PAGE 115 05/01/87  
HB0300

----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 ----

04 TRANSPORTATION (CONT.)  
01 DEPARTMENT OF TRANSPORTATION (CONT.)  
05 AERONAUTICS DIVISION (CONT.)  
01 ADMINISTRATION & SUPPORT (CONT.)

04 TRANSPORTATION  
01 DEPARTMENT OF TRANSPORTATION  
05 AERONAUTICS DIVISION  
02 AIRPORT DEVELOPMENT  
01 FEDERAL STATE PROJECTS  
ESTIMATED SOURCE OF FUNDS FOR  
FEDERAL STATE PROJECTS  
STRIKE OUT 1800,060  
FEDERAL FUNDS 1800,000  
INSERT IN PLACE THEREOF  
FEDERAL FUNDS 99,940  
STRIKE OUT 100,000  
GENERAL FUND 1900,000  
INSERT IN PLACE THEREOF  
GENERAL FUND  
TOTAL

INSERT AFTER SOURCE OF FUNDS

---

THE FUNDS IN THIS APPROPRIATION SHALL NOT BE  
TRANSFERRED OR EXPENDED FOR ANY OTHER PURPOSE  
AND SHALL BE EXPENDED ONLY FOR PROJECTS WHEN  
THE FIVE PERCENT LOCAL AND NINETY PERCENT FED-  
ERAL MATCHING REQUIREMENTS HAVE BEEN MET AND  
CERTIFIED TO THE GOVERNOR AND COUNCIL.

TOTAL 3900,000  
ESTIMATED SOURCE OF FUNDS FOR  
AIRPORT DEVELOPMENT 3800,000  
FEDERAL FUNDS 100,000  
GENERAL FUNDS 3900,000  
TOTAL

TOTAL

4603,846

4704,441

AMENDMENTS TO	PAGE	114	05/01/87		FISCAL YEAR 1988	FISCAL YEAR 1989
HB0300						
<div style="display: flex; justify-content: space-between;"> <div> <p>(CONT.)</p> <p>(CONT.)</p> <p>(CONT.)</p> </div> <div> <p>04. TRANSPORTATION</p> <p>01 DEPARTMENT OF TRANSPORTATION</p> <p>05 AERONAUTICS DIVISION</p> </div> </div>						
ESTIMATED SOURCE OF FUNDS FOR						
AERONAUTICS DIVISION						
FEDERAL FUNDS					3800,000	3800,000
GENERAL FUNDS					893,846	904,441
TOTAL					4693,846	4704,441
04. TRANSPORTATION						
01 DEPARTMENT OF TRANSPORTATION						
07 OTHER HIGHWAY SUPPORT						
04 TRANSFERS TO OTHER AGENCIES						
STRIKE OUT				26648,939	26930,421	
90 TRANSFER TO DEPT OF SAFETY						
INSERT IN PLACE THEREOF				25719,605	26278,693	
90 TRANSFER TO DEPT OF SAFETY						
STRIKE OUT				349,415	359,932	
97 TRF TO ATTY GEN.-EMNNT DOM*N						
INSERT IN PLACE THEREOF				258,901	271,728	
97 TRF TO ATTY GEN.-EMNNT DOM*N						
STRIKE OUT				360,373		
99 TRNSFR TO ALCOHOL & DRUG ABU						
INSERT IN PLACE THEREOF				360,373	365,653	
99 TRNSFR TO ALCOHOL & DRUG ABU						
TOTAL				28925,882		29520,679
ESTIMATED SOURCE OF FUNDS FOR						
TRANSFERS TO OTHER AGENCIES						
STRIKE OUT						
HIGHWAY FUND				29945,730		29894,958
INSERT IN PLACE THEREOF				28925,882		29520,679
HIGHWAY FUND				28925,882		29520,679
TOTAL						
TOTAL					31094,083	31731,877
ESTIMATED SOURCE OF FUNDS FOR						
OTHER HIGHWAY SUPPORT						

AMENDMENTS TO PAGE 113 05/01/87  
HB0300

----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

04 TRANSPORTATION (CONT.)  
01 DEPARTMENT OF TRANSPORTATION (CONT.)  
07 OTHER HIGHWAY SUPPORT (CONT.)

HIGHWAY FUNDS			
TOTAL	31094,083		31731,87
	31094,083		31731,87
TOTAL	213603,576		216261,86
ESTIMATED SOURCE OF FUNDS FOR			
DEPARTMENT OF TRANSPORTATION			
FEDERAL FUNDS	59729,044		59730,85
GENERAL FUNDS	3214,015		3223,79
HIGHWAY FUNDS	142326,117		143140,70
OTHER FUNDS	8134,400		8166,51
TOTAL	213603,576		216261,86
04 TRANSPORTATION			
02 CENTRAL N.H. TURNPIKE			
01 OPERATIONS & MAINTENANCE			
01 CENTRAL OPERATIONS			
STRIKE OUT			
49 TRANS TO STATE POLICE TRAFFIC	644,656	651,884	
INSERT IN PLACE THEREOF			
49 TRANS TO STATE POLICE TRAFFIC	600,697	620,945	
TOTAL	2263,867	3553,235	
ESTIMATED SOURCE OF FUNDS FOR			
CENTRAL OPERATIONS			
STRIKE OUT			
09 TURNPIKE FUNDS	2307,826	3584,174	
INSERT IN PLACE THEREOF			
09 TURNPIKE FUNDS	2263,867	3553,235	
TOTAL	2263,867	3553,235	
TOTAL	10249,810	15832,875	
ESTIMATED SOURCE OF FUNDS FOR			
OPERATIONS & MAINTENANCE			
OTHER FUNDS			
TOTAL	10249,810	15832,875	
	10249,810	15832,875	

AMENDMENTS TO	PAGE	116	05/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
<div style="text-align: right;">(CONT.)</div> <div style="text-align: right;">(CONT.)</div> <div style="text-align: right;">(CONT.)</div>					
04. TRANSPORTATION					
02 CENTRAL N.H. TURNPIKE					
01 OPERATIONS & MAINTENANCE					
<div style="text-align: right;">TOTAL</div> <div style="text-align: right;">ESTIMATED SOURCE OF FUNDS FOR</div> <div style="text-align: right;">CENTRAL N.H. TURNPIKE</div> <div style="text-align: right;">OTHER FUNDS</div> <div style="text-align: right;">TOTAL</div>					
				10249,810	15832,875
04. TRANSPORTATION					
03 EASTERN N.H. TURNPIKE					
01 OPERATIONS & MAINTENANCE					
01 BLUE STAR MEMORIAL HIGHWAY					
01 EAST NH TPK BLUE STAR OPERATION					
<div style="text-align: right;">STRIKE OUT</div> <div style="text-align: right;">49 TRANS TO STATE POLICE TRAFFIC</div> <div style="text-align: right;">INSERT IN PLACE THEREOF</div> <div style="text-align: right;">49 TRANS TO STATE POLICE TRAFFIC</div>					
			284,086	287,271	
			264,714	273,637	
<div style="text-align: right;">TOTAL</div> <div style="text-align: right;">ESTIMATED SOURCE OF FUNDS FOR</div> <div style="text-align: right;">EAST NH TPK BLUE STAR OPERATION</div> <div style="text-align: right;">STRIKE OUT</div> <div style="text-align: right;">09 TURNPIKE FUNDS</div> <div style="text-align: right;">INSERT IN PLACE THEREOF</div> <div style="text-align: right;">09 TURNPIKE FUNDS</div> <div style="text-align: right;">TOTAL</div>					
			1822,320	1879,526	
			1841,692	1893,160	
			1822,320	1879,526	
			1822,320	1879,526	
			7042,657	6855,781	
<div style="text-align: right;">TOTAL</div> <div style="text-align: right;">ESTIMATED SOURCE OF FUNDS FOR</div> <div style="text-align: right;">BLUE STAR MEMORIAL HIGHWAY</div> <div style="text-align: right;">OTHER FUNDS</div> <div style="text-align: right;">TOTAL</div>					
			7042,657	6855,781	
			7042,657	6855,781	
04. TRANSPORTATION					
03 EASTERN N.H. TURNPIKE					
01 OPERATIONS & MAINTENANCE					
02 SPAULDING TURNPIKE					
01 EAST NH TPK SPAULD TPK OPERATION					
<div style="text-align: right;">STRIKE OUT</div> <div style="text-align: right;">10 PERSONAL SERVICES - PERMANENT</div>					
			445,427	468,070	

AMENDMENTS TO  
NB0300  
PAGE 117 05/01/87

	FISCAL YEAR 1988	FISCAL YEAR 1989
1. Total	100.0	100.0
2. Federal Government	10.0	10.0
3. State Government	20.0	20.0
4. Local Government	70.0	70.0
5. Private	0.0	0.0
6. Other	0.0	0.0

04 TRANSPORTATION (CONT.)  
03 EASTERN N.H. TURNPIKE (CONT.)  
01 OPERATIONS & MAINTENANCE (CONT.)  
02 SPAULDING TURNPIKE (CONT.)  
01 EAST NH TPK SPAULD TPK OPERATION (CONT.)

INSERT IN PLACE THEREOF			
10 PERSONAL SERVICES - PERMANENT *		445,427	468,070
STRIKE OUT			
49 TRANS TO STATE POLICE TRAFFIC		163,895	165,733
INSERT IN PLACE THEREOF			
49 TRANS TO STATE POLICE TRAFFIC		152,719	157,868

INSERT

THE EXPANSION OF PERSONNEL SHALL BE SUBJECT TO THE RELOCATION OF THE TOLL BOOTHS NEAR EXITS 6 AND 11 ON THE SPAULDING TURNPIKE.

TOTAL	1200,347	1240,673
-------	----------	----------

ESTIMATED SOURCE OF FUNDS FOR  
EAST NH TPK SPAULD TPK OPERATION

STRIKE OUT	
09 TURNPIKE FUNDS	
INSERT IN PLACE THEREOF	
09 TURNPIKE FUNDS	
TOTAL	

TOTAL	5411,631	5583,432
ESTIMATED SOURCE OF FUNDS FOR		
SPAULDING TURNPIKE		
OTHER FUNDS	5411,631	5583,432
TOTAL	5411,631	5583,432

12454,288 12439,213

ESTIMATED SOURCE OF FUNDS FOR  
OPERATIONS & MAINTENANCE  
OTHER FUNDS  
TOTAL

12454,288  
12439,213

ESTIMATED SOURCE OF FUNDS FOR  
EASTERN N.H. TURNPIKE



AMENDMENTS TO PAGE 118 05/01/87  
H60500

04 TRANSPORTATION (CONT.)  
03 EASTERN N.H. TURNPIKE (CONT.)

OTHER FUNDS  
TOTAL

12456,288 12439,213  
12454,288 12439,213

04 TRANSPORTATION  
05 PORT AUTHORITY  
01 ADMINISTRATION

STRIKE OUT  
48 CONT. MAINT BLDGS & GROUNDS  
INSERT IN PLACE THEREOF  
48 CONT. MAINT BLDGS & GROUNDS G

19,500

19,500

TOTAL

129,608

TOTAL

287,173

ESTIMATED SOURCE OF FUNDS FOR  
PORT AUTHORITY  
GENERAL FUNDS  
OTHER FUNDS

159,608  
127,565  
287,173

TOTAL

TOTAL

245389,930

ESTIMATED SOURCE OF FUNDS FOR  
TRANSPORTATION

FEDERAL FUNDS  
GENERAL FUNDS  
HIGHWAY FUNDS  
OTHER FUNDS

59729,044  
3392,650  
142526,117  
31508,374  
237156,185

TOTAL

245389,930

05 HEALTH AND SOCIAL SERVICES  
02 DEPARTMENT OF HEALTH & HUMAN SERVICES  
01 HEALTH AND HUMAN SVCS COMMISSIONER  
03 ALCOHOL AND DRUG ABUSE PREVENTION  
02 TREATMENT & PREVENTION - STATE

STRIKE OUT

10 PERSONAL SERVICES - PERMANENT

343,463

355,515

----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

AMENDMENTS TO	PAGE	119	05/01/87		FISCAL YEAR 1988	FISCAL YEAR 1989
HB0300						
05 HEALTH AND SOCIAL SERVICES						
02 DEPARTMENT OF HEALTH & HUMAN SERVICES						
01 HEALTH AND HUMAN SVCS COMMISSIONER						
03 ALCOHOL AND DRUG ABUSE PREVENTION						
02 TREATMENT & PREVENTION - STATE						
(CONT.)						
(CONT.)						
(CONT.)						
(CONT.)						
INSERT IN PLACE THEREOF				240,988		253,040
10 PERSONAL SERVICES - PERMANENT						
STRIKE OUT				20,537		20,037
20 CURRENT EXPENSES						
INSERT IN PLACE THEREOF				18,037		17,537
20 CURRENT EXPENSES						
STRIKE OUT				72,127		78,213
60 BENEFITS						
INSERT IN PLACE THEREOF				50,607		55,668
60 BENEFITS						
STRIKE OUT				29,981		29,981
70 IN-STATE TRAVEL						
INSERT IN PLACE THEREOF				12,500		12,500
70 IN-STATE TRAVEL						
STRIKE OUT						
97 COMMUNITY PROGRAMS				2037,647		2045,016
INSERT IN PLACE THEREOF						
97 COMMUNITY PROGRAMS				1681,623		1690,017
TOTAL				2056,216		2081,223
ESTIMATED SOURCE OF FUNDS FOR						
TREATMENT & PREVENTION - STATE						
STRIKE OUT				360,373		365,653
02 TRANSFER FROM HIGHWAY						
INSERT IN PLACE THEREOF				360,373		1865,653
02 TRANSFER FROM HIGHWAY						
STRIKE OUT				1500,000		715,570
06 REVENUE						
STRIKE OUT				695,843		1715,570
GENERAL FUND						
INSERT IN PLACE THEREOF				1695,843		2081,223
GENERAL FUND				2056,216		3680,217
TOTAL				3622,287		
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
ALCOHOL AND DRUG ABUSE PREVENTION						

AMENDMENTS TO		PAGE	120	05/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
(CONT.) (CONT.) (CONT.) (CONT.)						
05 HEALTH AND SOCIAL SERVICES 02 DEPARTMENT OF HEALTH & HUMAN SERVICES 01 HEALTH AND HUMAN SVCS COMMISSIONER 03 ALCOHOL AND DRUG ABUSE PREVENTION						
FEDERAL FUNDS GENERAL FUNDS OTHER FUNDS TOTAL					1043,901 2163,7013 413,5735 3622,2287	1048,943 2210,621 420,653 3680,217
TOTAL ESTIMATED SOURCE OF FUNDS FOR HEALTH AND HUMAN SVCS COMMISSIONER FEDERAL FUNDS GENERAL FUNDS OTHER FUNDS TOTAL					4357,066 1343,901 2599,792 413,373 4357,066	4435,475 1348,943 2665,879 420,653 4435,475
05 HEALTH AND SOCIAL SERVICES 02 DEPARTMENT OF HEALTH & HUMAN SERVICES 02 DIVISION OF PUBLIC HEALTH SERVICES 02 HEALTH PROTECTION 07 CHILD CARE STDS & LICENSING						
- INSERT AFTER SOURCE OF FUNDS - THE FEDERAL FUNDS IN THIS COMPONENT ARE A BLOCK GRANT ALLOCATION AND REPRESENT THE ESTIMATED MAXIMUM AMOUNT AVAILABLE. HOWEVER IN THE EVENT THAT ANY ADDITIONAL FEDERAL FUNDS BECOME AVAIL- ABLE FOR THE PROGRAMS FUNDED BY THIS COMPONENT THEY ARE HEREBY APPROPRIATED AND THE GENERAL FUND APPROPRIATION SHALL BE REDUCED BY THE AMOUNT OF SAID FEDERAL FUNDS.						
05 HEALTH AND SOCIAL SERVICES 02 DEPARTMENT OF HEALTH & HUMAN SERVICES 02 DIVISION OF PUBLIC HEALTH SERVICES 03 DISEASE PREVENTION & CONTROL 03 PUBLIC HEALTH LABORATORIES					624,617	659,265
STRIKE OUT 10 PERSONAL SERVICES - PERMANENT						

AMENDMENTS TO HBQ300	PAGE	121	05/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
05 HEALTH AND SOCIAL SERVICES 02 DEPARTMENT OF HEALTH & HUMAN SERVICES 02 DIVISION OF PUBLIC HEALTH SERVICES 03 DISEASE PREVENTION & CONTROL 03 PUBLIC HEALTH LABORATORIES (CONT.) (CONT.) (CONT.) (CONT.)					
INSERT IN PLACE THEREOF					
10 PERSONAL SERVICES - PERMANENT		569,198		598,658	
STRIKE OUT					
20 CURRENT EXPENSES		225,016		245,000	
INSERT IN PLACE THEREOF					
20 CURRENT EXPENSES		185,016		193,000	
STRIKE OUT					
30 EQUIPMENT		134,000		68,350	
INSERT IN PLACE THEREOF					
30 EQUIPMENT		25,000		20,350	
STRIKE OUT					
40 INDIRECT COSTS	E	138,604		143,895	
INSERT IN PLACE THEREOF					
40 INDIRECT COSTS	E	124,604		128,895	
STRIKE OUT					
60 BENEFITS		134,379		148,396	
INSERT IN PLACE THEREOF					
60 BENEFITS		122,741		135,062	
TOTAL		1224,875		1276,768	
ESTIMATED SOURCE OF FUNDS FOR					
PUBLIC HEALTH LABORATORIES					
STRIKE OUT					
GENERAL FUND		949,295		939,673	
INSERT IN PLACE THEREOF					
GENERAL FUND		719,238		750,732	
TOTAL		1224,875		1276,768	
05 HEALTH AND SOCIAL SERVICES 02 DEPARTMENT OF HEALTH & HUMAN SERVICES 02 DIVISION OF PUBLIC HEALTH SERVICES 03 DISEASE PREVENTION & CONTROL 04 ENVIRONMENTAL HEALTH ESTIMATED SOURCE OF FUNDS FOR ENVIRONMENTAL HEALTH STRIKE OUT 09 BEVERAGE LICENSES					
		46,122		46,267	

AMENDMENTS TO	PAGE	122	05/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
05 HEALTH AND SOCIAL SERVICES				(CONT.)		
02 DEPARTMENT OF HEALTH & HUMAN SERVICES				(CONT.)		
02 DIVISION OF PUBLIC HEALTH SERVICES				(CONT.)		
03 DISEASE PREVENTION & CONTROL				(CONT.)		
04 ENVIRONMENTAL HEALTH				(CONT.)		
INSERT IN PLACE THEREOF						
09 AGENCY INCOME					46,122	46,267
TOTAL					676,289	704,725
TOTAL					3510,577	3621,942
ESTIMATED SOURCE OF FUNDS FOR						
DISEASE PREVENTION & CONTROL						
FEDERAL FUNDS					200,443	200,438
GENERAL FUNDS					269,436	2581,346
OTHER FUNDS					815,698	840,158
TOTAL					3510,577	3621,942
05 HEALTH AND SOCIAL SERVICES						
02 DEPARTMENT OF HEALTH & HUMAN SERVICES						
02 DIVISION OF PUBLIC HEALTH SERVICES						
04 FAMILY AND COMMUNITY HEALTH						
03 SPECIAL MEDICAL SERVICES						
STRIKE OUT						
40 INDIRECT COSTS					217,952	216,295
INSERT IN PLACE THEREOF						
40 INDIRECT COSTS					219,820	218,163
STRIKE OUT						
92 GRANTS & CONTRACTS					517,639	494,350
INSERT IN PLACE THEREOF						
92 GRANTS & CONTRACTS				*	555,771	532,482
INSERT						
*						
\$38,132 OF THIS APPROPRIATION IN EACH YEAR IS						
TO FUND A PROGRAM FOR THE COORDINATION OF IN-						
HOME CARE FOR MEDICALLY AT RISK CHILDREN. IT						
SHALL NOT BE EXPENDED FOR ANY OTHER PURPOSE.						
TOTAL					2552,842	2554,991
ESTIMATED SOURCE OF FUNDS FOR						
SPECIAL MEDICAL SERVICES						

AMENDMENTS TO	PAGE	123	05/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
HE0300						
05 HEALTH AND SOCIAL SERVICES 02 DEPARTMENT OF HEALTH & HUMAN SERVICES 02 DIVISION OF PUBLIC HEALTH SERVICES 04 FAMILY AND COMMUNITY HEALTH 05 SPECIAL MEDICAL SERVICES (CONT.) (CONT.) (CONT.) (CONT.)						
STRIKE OUT						
GENERAL FUND					1779,654	1731,803
INSERT IN PLACE THEREOF						
GENERAL FUND					1819,654	1771,803
TOTAL					2552,842	2554,991
05 HEALTH AND SOCIAL SERVICES 02 DEPARTMENT OF HEALTH & HUMAN SERVICES 02 DIVISION OF PUBLIC HEALTH SERVICES 04 FAMILY AND COMMUNITY HEALTH 05 WIC-SUPPLEMENTAL FOOD STRIKE OUT 91 FOOD COSTS INSERT IN PLACE THEREOF 91 FOOD COSTS STRIKE OUT 98 GRANTS & CONTRACTS INSERT IN PLACE THEREOF 98 GRANTS & CONTRACTS TOTAL						
				5070,144	5155,572	
				4870,144	4955,572	
				1098,672	1117,582	
				1298,672	1317,582	
				6606,082		6736,599
05 HEALTH AND SOCIAL SERVICES 02 DEPARTMENT OF HEALTH & HUMAN SERVICES 02 DIVISION OF PUBLIC HEALTH SERVICES 04 FAMILY AND COMMUNITY HEALTH 06 FAMILY PLANNING PROGRAM STRIKE OUT 92 GRANTS INSERT IN PLACE THEREOF 92 GRANTS TOTAL ESTIMATED SOURCE OF FUNDS FOR FAMILY PLANNING PROGRAM						
				1300,000	1300,000	
				1000,000	1000,000	
				1142,760		1141,944



AMENDMENTS TO	PAGE	124	05/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
HB0300					
05 HEALTH AND SOCIAL SERVICES					
02 DEPARTMENT OF HEALTH & HUMAN SERVICES					
02 DIVISION OF PUBLIC HEALTH SERVICES					
04 FAMILY AND COMMUNITY HEALTH					
06 FAMILY PLANNING PROGRAM					
(CONT.)					
(CONT.)					
(CONT.)					
(CONT.)					
STRIKE OUT					
GENERAL FUND				626,498	625,682
INSERT IN PLACE THEREOF					
GENERAL FUND				326,498	325,682
TOTAL				1,142,760	1,141,944
TOTAL				1,283,860	1,298,543
ESTIMATED SOURCE OF FUNDS FOR					
FAMILY AND COMMUNITY HEALTH					
FEDERAL FUNDS				886,206	910,166
GENERAL FUNDS				384,379	375,102
OTHER FUNDS				121,275	121,275
TOTAL				1,283,860	1,298,543
05 HEALTH AND SOCIAL SERVICES					
02 DEPARTMENT OF HEALTH & HUMAN SERVICES					
02 DIVISION OF PUBLIC HEALTH SERVICES					
05 HEALTH RISK ASSESSMENT					
STRIKE OUT				309,382	323,134
10 PERSONAL SERVICES - PERMANENT					
INSERT IN PLACE THEREOF				181,970	190,164
10 PERSONAL SERVICES - PERMANENT					
STRIKE OUT				23,980	22,980
20 CURRENT EXPENSES					
INSERT IN PLACE THEREOF				13,980	13,980
20 CURRENT EXPENSES					
STRIKE OUT				18,554	24,554
30 EQUIPMENT					
INSERT IN PLACE THEREOF				12,554	12,554
30 EQUIPMENT					
STRIKE OUT				56,883	59,241
40 INDIRECT COSTS					
INSERT IN PLACE THEREOF				38,883	40,241
40 INDIRECT COSTS					
STRIKE OUT				68,058	74,331
60 BENEFITS					

AMENDMENTS TO	PAGE	125	05/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
(CONT.-) (CONT.-) (CONT.-) (CONT.-)						
05 HEALTH AND SOCIAL SERVICES						
02 DEPARTMENT OF HEALTH & HUMAN SERVICES						
02 DIVISION OF PUBLIC HEALTH SERVICES						
05 HEALTH RISK ASSESSMENT						
INSERT IN PLACE THEREOF						
60 BENEFITS				41,301	45,078	
STRIKE OUT						
70 IN-STATE TRAVEL				5,000	5,000	
INSERT IN PLACE THEREOF						
70 IN-STATE TRAVEL				2,000	2,000	
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR				434,103		447,576
HEALTH RISK ASSESSMENT						
STRIKE OUT						
GENERAL FUND				625,272		652,799
INSERT IN PLACE THEREOF						
GENERAL FUND				434,103		447,576
TOTAL				434,103		447,576
TOTAL					21722,322	22193,439
ESTIMATED SOURCE OF FUNDS FOR						
DIVISION OF PUBLIC HEALTH SERVICES						
FEDERAL FUNDS					10907,299	11150,179
GENERAL FUNDS					9072,424	9276,201
OTHER FUNDS					1742,599	1767,059
TOTAL					21722,322	22193,439
05 HEALTH AND SOCIAL SERVICES						
02 DEPARTMENT OF HEALTH & HUMAN SERVICES						
03 DIVISION FOR CHILDREN & YOUTH SERVICES						
02 BUREAU OF CHILDREN						
01 BUREAU OF CHILDREN-ADM						
INSERT AFTER SOURCE OF FUNDS						
- THE FEDERAL FUNDS IN THIS COMPONENT ARE A BLOCK GRANT ALLOCATION AND REPRESENT THE ESTIMATED MAXIMUM AMOUNT AVAILABLE, HOWEVER IN THE EVENT						

05 HEALTH AND SOCIAL SERVICES (CONT.)  
02 DEPARTMENT OF HEALTH & HUMAN SERVICES (CONT.)  
03 DIVISION FOR CHILDREN & YOUTH SERVICES (CONT.)  
02 BUREAU OF CHILDREN (CONT.)  
01 BUREAU OF CHILDREN-ADM (CONT.)

THAT ANY ADDITIONAL FEDERAL FUNDS BECOME AVAILABLE FOR THE PROGRAMS FUNDED BY THIS COMPONENT THEY ARE HEREBY APPROPRIATED AND THE GENERAL FUND APPROPRIATION SHALL BE REDUCED BY THE AMOUNT OF SAID FEDERAL FUNDS.

05 HEALTH AND SOCIAL SERVICES  
02 DEPARTMENT OF HEALTH & HUMAN SERVICES  
03 DIVISION FOR CHILDREN & YOUTH SERVICES  
02 BUREAU OF CHILDREN  
05 CHILD ABUSE GRANTS

INSERT  
91 CONCORD CHILD ABUSE PROGRAM

15,000

TOTAL  
ESTIMATED SOURCE OF FUNDS FOR  
CHILD ABUSE GRANTS

30,030

15,030

INSERT GENERAL FUND  
TOTAL

15,000  
30,030

15,030

05 HEALTH AND SOCIAL SERVICES  
02 DEPARTMENT OF HEALTH & HUMAN SERVICES  
03 DIVISION FOR CHILDREN & YOUTH SERVICES  
02 BUREAU OF CHILDREN  
07 DCYS - SETTLEMENT

STRIKE OUT  
90 DCYS SETTLEMENT  
INSERT IN PLACE THEREOF  
90 DCYS SETTLEMENT

16419,437

16199,171

TOTAL  
ESTIMATED SOURCE OF FUNDS FOR  
DCYS - SETTLEMENT

15669,437

15449,171

15449,171

STRIKE OUT  
05 PRIVATE OR LOCAL FUNDS

3954,858

3899,793

AMENDMENTS TO	PAGE	127	05/01/87		FISCAL YEAR 1988	FISCAL YEAR 1989
H80300						
05 HEALTH AND SOCIAL SERVICES 02 DEPARTMENT OF HEALTH & HUMAN SERVICES 03 DIVISION FOR CHILDREN & YOUTH SERVICES 02 BUREAU OF CHILDREN 07 DCYS - SETTLEMENT				(CONT.) (CONT.) (CONT.) (CONT.) (CONT.)		
INSERT IN PLACE THEREOF					3767,358	3712,293
05 PRIVATE OR LOCAL FUNDS						
STRIKE OUT						
GENERAL FUND					11864,579	11699,378
INSERT IN PLACE THEREOF						
GENERAL FUND					11302,079	11136,878
TOTAL					15669,437	15449,171
05 HEALTH AND SOCIAL SERVICES 02 DEPARTMENT OF HEALTH & HUMAN SERVICES 03 DIVISION FOR CHILDREN & YOUTH SERVICES 02 BUREAU OF CHILDREN 08 C-Y DIVERSION INCENTIVES						
STRIKE OUT						
00 DIVERSION INCENTIVES					800,000	
INSERT IN PLACE THEREOF						
90 DIVERSION INCENTIVES					600,000	
TOTAL					600,000	600,000
ESTIMATED SOURCE OF FUNDS FOR C-Y DIVERSION INCENTIVES						
STRIKE OUT						
GENERAL FUND					800,000	800,000
INSERT IN PLACE THEREOF						
GENERAL FUND					600,000	600,000
TOTAL					600,000	600,000
TOTAL					25700,307	25812,310
ESTIMATED SOURCE OF FUNDS FOR BUREAU OF CHILDREN						
FEDERAL FUNDS					6526,565	6534,026
GENERAL FUNDS					15063,177	15216,596
OTHER FUNDS					4110,565	4061,688
TOTAL					25700,307	25812,310
05 HEALTH AND SOCIAL SERVICES 02 DEPARTMENT OF HEALTH & HUMAN SERVICES 03 DIVISION FOR CHILDREN & YOUTH SERVICES 05 BUREAU OF RESIDENTIAL SERVICES 03 OPERATION AND MAINTENANCE						
STRIKE OUT						
48 CONT. MAINT BLDGS & GROUNDS						17,000

AMENDMENTS TO		FISCAL YEAR 1988		FISCAL YEAR 1989	
H90300	PAGE	128	05/01/87		
05 HEALTH AND SOCIAL SERVICES					
02 DEPARTMENT OF HEALTH & HUMAN SERVICES					
03 DIVISION FOR CHILDREN & YOUTH SERVICES					
05 BUREAU OF RESIDENTIAL SERVICES					
03 OPERATION AND MAINTENANCE					
(CONT.)					
(CONT.)					
(CONT.)					
(CONT.)					
INSERT IN PLACE THEREOF				17,000	
48 CONT. MAINT BLDGS & GROUNDS	G				579,721
TOTAL				599,463	
05 HEALTH AND SOCIAL SERVICES					
02 DEPARTMENT OF HEALTH & HUMAN SERVICES					
03 DIVISION FOR CHILDREN & YOUTH SERVICES					
05 BUREAU OF RESIDENTIAL SERVICES					
05 EDUCATION DEPT GRANTS					
ESTIMATED SOURCE OF FUNDS FOR					
EDUCATION DEPT GRANTS					
STRIKE OUT					25,790
FEDERAL FUNDS				25,154	
01 TRANSFER FROM OTHER AGENCIES				25,154	25,790
TOTAL				25,154	25,790
05 HEALTH AND SOCIAL SERVICES					
02 DEPARTMENT OF HEALTH & HUMAN SERVICES					
03 DIVISION FOR CHILDREN & YOUTH SERVICES					
05 BUREAU OF RESIDENTIAL SERVICES					
10 PHILBROOK CENTER-ADMINISTRATION					
STRIKE OUT				236,574	246,361
10 PERSONAL SERVICES -PERMANENT					
INSERT IN PLACE THEREOF				250,523	262,772
10 PERSONAL SERVICES -PERMANENT					
STRIKE OUT				37,729	41,729
20 CURRENT EXPENSES					
INSERT IN PLACE THEREOF				47,161	51,161
20 CURRENT EXPENSES					
STRIKE OUT				84,826	84,826
21 FOOD INSTITUTIONS	D				
INSERT IN PLACE THEREOF				132,898	132,898
21 FOOD INSTITUTIONS	D				

AMENDMENTS TO	PAGE	129	05/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
HB0300					
05 HEALTH AND SOCIAL SERVICES 02 DEPARTMENT OF HEALTH & HUMAN SERVICES 03 DIVISION FOR CHILDREN & YOUTH SERVICES 05 BUREAU OF RESIDENTIAL SERVICES 10 PHILBROOK CENTER-ADMINISTRATION			(CONT.) (CONT.) (CONT.) (CONT.) (CONT.)		
STRIKE OUT			12,991		12,991
23 HEAT, ELECTRICITY & WATER	D				
INSERT IN PLACE THEREOF	D		13,991		13,991
23 HEAT, ELECTRICITY & WATER					
STRIKE OUT			52,000		
48 CONT. MAINT BLDGS & GROUNDS					
INSERT IN PLACE THEREOF			52,000		
48 CONT. MAINT BLDGS & GROUNDS	G				
STRIKE OUT			371,976		381,976
49 TRANS TO OTHER STATE AGENCIES					
INSERT IN PLACE THEREOF			452,476		470,476
49 TRANS TO OTHER STATE AGENCIES					
STRIKE OUT			49,681		54,199
60 BENEFITS					
INSERT IN PLACE THEREOF			52,610		57,809
60 BENEFITS					
STRIKE OUT			1,500		1,500
70 IN-STATE TRAVEL					
INSERT IN PLACE THEREOF			6,500		6,500
70 IN-STATE TRAVEL					
INSERT			5,000		5,000
80 OUT-OF-STATE TRAVEL					
INSERT			33,000		
92 INSTALL FENCE AND BALL FIELD					
TOTAL			1064,270		1019,793
ESTIMATED SOURCE OF FUNDS FOR					
PHILBROOK CENTER-ADMINISTRATION					
STRIKE OUT			852,231		842,768
GENERAL FUND					
INSERT IN PLACE THEREOF			1051,113		1019,793
GENERAL FUND			1064,270		1019,793
TOTAL					
05 HEALTH AND SOCIAL SERVICES 02 DEPARTMENT OF HEALTH & HUMAN SERVICES 03 DIVISION FOR CHILDREN & YOUTH SERVICES 05 BUREAU OF RESIDENTIAL SERVICES 11 IN-PATIENT UNIT					
STRIKE OUT			504,513		530,589
10 PERSONAL SERVICES - PERMANENT					



AMENDMENTS TO	PAGE	130	05/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
HB0300					
05 HEALTH AND SOCIAL SERVICES 02 DEPARTMENT OF HEALTH & HUMAN SERVICES 03 DIVISION FOR CHILDREN & YOUTH SERVICES 05 BUREAU OF RESIDENTIAL SERVICES 11 IN-PATIENT UNIT			(CONT.) (CONT.) (CONT.) (CONT.) (CONT.)		
INSERT IN PLACE THEREOF			885,602		1033,978
10 PERSONAL SERVICES - PERMANENT					
INSERT			34,128		44,200
20 CURRENT EXPENSES					
INSERT			12,750		17,000
21 FOOD INSTITUTIONS					
STRIKE OUT			17,500		450
30 EQUIPMENT					
INSERT IN PLACE THEREOF			46,304		450
30 EQUIPMENT					
INSERT			89,141		118,856
49 TRANSFER TO OTHER STATE AGENCI					
STRIKE OUT			119,558		121,930
50 OTHER PERSONAL SERVICES					
INSERT IN PLACE THEREOF			168,308		186,930
50 OTHER PERSONAL SERVICES					
STRIKE OUT			114,496		125,887
60 BENEFITS					
INSERT IN PLACE THEREOF			198,010		241,513
60 BENEFITS					
INSERT			23,625		31,500
70 IN-STATE TRAVEL					
INSERT			18,375		23,594
80 OUT-OF-STATE TRAVEL					
INSERT			5,250		
97 MAINTENANCE OWN FORCES					
INSERT			6,000		8,000
98 YOUTH BENEFIT FUND					
TOTAL			1503,493		1722,021
ESTIMATED SOURCE OF FUNDS FOR					
IN-PATIENT UNIT					
INSERT					
04 REVENUE			143,835		240,900
STRIKE OUT					
GENERAL FUND			772,067		794,856
INSERT IN PLACE THEREOF					
GENERAL FUND			1359,658		1481,121

AMENDMENTS TO	PAGE	131	05/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
HB0300					
05 HEALTH AND SOCIAL SERVICES					
02 DEPARTMENT OF HEALTH & HUMAN SERVICES					
03 DIVISION FOR CHILDREN & YOUTH SERVICES					
05 BUREAU OF RESIDENTIAL SERVICES					
11 IN-PATIENT UNIT					
(CONT.)					
(CONT.)					
(CONT.)					
(CONT.)					
TOTAL				1503,493	1722,021
05 HEALTH AND SOCIAL SERVICES					
02 DEPARTMENT OF HEALTH & HUMAN SERVICES					
03 DIVISION FOR CHILDREN & YOUTH SERVICES					
05 BUREAU OF RESIDENTIAL SERVICES					
12 ADC UNIT					
STRIKE OUT					
10 PERSONAL SERVICES - PERMANENT			425,631		453,482
INSERT IN PLACE THEREOF					
10 PERSONAL SERVICES - PERMANENT			442,853		473,743
INSERT					
20 CURRENT EXPENSES			5,000		
STRIKE OUT					
30 EQUIPMENT			1,000		1,060
INSERT IN PLACE THEREOF					
30 EQUIPMENT			12,600		1,060
STRIKE OUT					
50 OTHER PERSONAL SERVICES			96,758		99,147
INSERT IN PLACE THEREOF					
50 OTHER PERSONAL SERVICES			98,888		101,647
STRIKE OUT					
60 BENEFITS			96,301		107,212
INSERT IN PLACE THEREOF					
60 BENEFITS			100,069		111,857
INSERT					
93 BUILDING REPAIRS			7,000		
INSERT					
98 YOUTH BENEFITS			1,000		1,000
TOTAL				674,410	696,307
ESTIMATED SOURCE OF FUNDS FOR					
ADC UNIT					
STRIKE OUT					
05 PRIVATE OR LOCAL FUNDS				214,774	230,309
INSERT IN PLACE THEREOF					
05 PRIVATE OR LOCAL FUNDS				253,024	315,709

AMENDMENTS TO	PAGE	132	05/01/87	FISCAL YEAR 1988		FISCAL YEAR 1989	
HB0300							
<div> <div>(CONT.)</div> <div>05 HEALTH AND SOCIAL SERVICES</div> <div>02 DEPARTMENT OF HEALTH &amp; HUMAN SERVICES</div> <div>03 DIVISION FOR CHILDREN &amp; YOUTH SERVICES</div> <div>05 BUREAU OF RESIDENTIAL SERVICES</div> <div>12 ABC UNIT</div> <div>(CONT.)</div> </div>							
STRIKE OUT			411,916			437,592	
GENERAL FUND							
INSERT IN PLACE THEREOF			421,386			380,598	
GENERAL FUND			674,410			698,307	
TOTAL							
<div> <div>05 HEALTH AND SOCIAL SERVICES</div> <div>02 DEPARTMENT OF HEALTH &amp; HUMAN SERVICES</div> <div>03 DIVISION FOR CHILDREN &amp; YOUTH SERVICES</div> <div>05 BUREAU OF RESIDENTIAL SERVICES</div> <div>13 SPECIAL ED PROGRAM</div> </div>							
STRIKE OUT				541,035		563,392	
10 PERSONAL SERVICES - PERMANENT							
INSERT IN PLACE THEREOF				815,166		925,314	
10 PERSONAL SERVICES - PERMANENT							
STRIKE OUT				1,500		17,500	
30 EQUIPMENT							
INSERT IN PLACE THEREOF				25,092		17,500	
30 EQUIPMENT							
INSERT				11,516		16,000	
46 CONSULTANTS							
STRIKE OUT				47,378		49,992	
50 OTHER PERSONAL SERVICES							
INSERT IN PLACE THEREOF				105,232		118,055	
50 OTHER PERSONAL SERVICES							
STRIKE OUT				117,005		127,700	
60 BENEFITS							
INSERT IN PLACE THEREOF				178,709		212,435	
60 BENEFITS							
INSERT				6,000			
93 BUILDING REPAIRS							
INSERT				5,000			
94 EDUCATIONAL MATERIALS							
INSERT				1,000		1,000	
98 YOUTH BENEFITS							
TOTAL			1147,715			1290,304	

AMENDMENTS TO HB0300	PAGE	133	05/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
05 HEALTH AND SOCIAL SERVICES (CONT.)						
02 DEPARTMENT OF HEALTH & HUMAN SERVICES (CONT.)						
03 DIVISION FOR CHILDREN & YOUTH SERVICES (CONT.)						
05 BUREAU OF RESIDENTIAL SERVICES (CONT.)						
13 SPECIAL ED PROGRAM (CONT.)						
ESTIMATED SOURCE OF FUNDS FOR SPECIAL ED PROGRAM						
STRIKE OUT				656,441		673,598
05 PRIVATE OR LOCAL FUNDS						
INSERT IN PLACE THEREOF				751,137		929,290
05 PRIVATE OR LOCAL FUNDS						
STRIKE OUT				26,224		60,733
GENERAL FUND						
INSERT IN PLACE THEREOF				372,325		336,761
GENERAL FUND				1147,715		1290,304
TOTAL						
TOTAL				9559,385		10100,305
ESTIMATED SOURCE OF FUNDS FOR BUREAU OF RESIDENTIAL SERVICES						
FEDERAL FUNDS				16,000		16,000
GENERAL FUNDS				6830,288		6997,043
OTHER FUNDS				2713,097		3087,262
TOTAL				9559,385		10100,305
TOTAL				39505,594		40213,852
ESTIMATED SOURCE OF FUNDS FOR DIVISION FOR CHILDREN & YOUTH SERVICES						
FEDERAL FUNDS				6871,610		6879,071
GENERAL FUNDS				23641,572		26017,081
OTHER FUNDS				6992,412		7317,700
TOTAL				39505,594		40213,852
05 HEALTH AND SOCIAL SERVICES						
02 DEPARTMENT OF HEALTH & HUMAN SERVICES						
04 DIVISION OF HUMAN SERVICES						
02 PROGRAM OPERATIONS						
05 SUPPORT ENFORCEMENT						
STRIKE OUT						
49 TRANSFERS TO OTHER AGENCIES					124,485	124,485
INSERT IN PLACE THEREOF						
49 TRANSFERS TO OTHER AGENCIES					104,882	104,882

AMENDMENTS TO	PAGE	134	05/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
05 HEALTH AND SOCIAL SERVICES					
02 DEPARTMENT OF HEALTH & HUMAN SERVICES					
04 DIVISION OF HUMAN SERVICES					
02 PROGRAM OPERATIONS					
05 SUPPORT ENFORCEMENT					
(CONT.)					
(CONT.)					
(CONT.)					
(CONT.)					
TOTAL			9539,100		3355,030
ESTIMATED SOURCE OF FUNDS FOR					
SUPPORT ENFORCEMENT					
STRIKE OUT					
FEDERAL FUNDS			8269,328		2408,324
INSERT IN PLACE THEREOF			8249,725		2388,721
FEDERAL FUNDS			9539,100		3355,030
TOTAL					
TOTAL			13118,285		7097,803
ESTIMATED SOURCE OF FUNDS FOR					
PROGRAM OPERATIONS					
FEDERAL FUNDS			10016,406		4233,174
GENERAL FUNDS			2617,940		2600,744
OTHER FUNDS			483,919		263,885
TOTAL			13118,285		7097,803
05 HEALTH AND SOCIAL SERVICES					
02 DEPARTMENT OF HEALTH & HUMAN SERVICES					
04 DIVISION OF HUMAN SERVICES					
05 GRANTS					
01 FINANCIAL GRANTS					
STRIKE OUT					
41 AUDIT FUND SET ASIDE			22,865		23,183
INSERT IN PLACE THEREOF					
41 AUDIT FUND SET ASIDE			22,295		22,614
STRIKE OUT					
90 AFDC			22044,574		22898,460
INSERT IN PLACE THEREOF					
90 AFDC			21759,854		22613,740
TOTAL			21782,149		22636,354
ESTIMATED SOURCE OF FUNDS FOR					
FINANCIAL GRANTS					
STRIKE OUT					
FEDERAL FUNDS			11655,138		11614,773





AMENDMENTS TO HB0300	PAGE	136	05/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
05 HEALTH AND SOCIAL SERVICES (CONT.)					
02 DEPARTMENT OF HEALTH & HUMAN SERVICES (CONT.)					
04 DIVISION OF HUMAN SERVICES (CONT.)					
05 GRANTS (CONT.)					
06 NURSING HOME GRANTS (CONT.)					
INSERT IN PLACE THEREOF				20713,508	21841,794
05 PRIVATE AND LOCAL FUNDS					
STRIKE OUT				16840,251	17757,557
GENERAL FUND					
INSERT IN PLACE THEREOF				12966,994	13673,319
GENERAL FUND				69130,635	71103,002
TOTAL					
05 HEALTH AND SOCIAL SERVICES					
02 DEPARTMENT OF HEALTH & HUMAN SERVICES (CONT.)					
04 DIVISION OF HUMAN SERVICES (CONT.)					
05 GRANTS (CONT.)					
10 SOCIAL SERVICES GRANTS					
STRIKE OUT				4658,444	5554,444
93 PURCHASED SVCS - DAY CARE					
INSERT IN PLACE THEREOF				4158,444	4554,444
93 PURCHASED SVCS - DAY CARE					
TOTAL				4162,392	4558,392
ESTIMATED SOURCE OF FUNDS FOR SOCIAL SERVICES GRANTS					
STRIKE OUT				2688,516	3584,516
GENERAL FUND					
INSERT IN PLACE THEREOF				2188,516	2584,516
GENERAL FUND				4162,392	4558,392
TOTAL				141270,389	147169,840
ESTIMATED SOURCE OF FUNDS FOR GRANTS					
FEDERAL FUNDS				68758,819	69654,895
GENERAL FUNDS				44580,426	48122,871
OTHER FUNDS				27931,144	29392,074
TOTAL				141270,389	147169,840
TOTAL				176967,323	177267,668

AMENDMENTS +0	PAGE	137	05/01/87		FISCAL YEAR 1988	FISCAL YEAR 1989
<p>HB0300</p>						
<p>05 HEALTH AND SOCIAL SERVICES  02 DEPARTMENT OF HEALTH &amp; HUMAN SERVICES  04 DIVISION OF HUMAN SERVICES</p>						
<p>(CONT.)  (CONT.)  (CONT.)</p>						
<p>ESTIMATED SOURCE OF FUNDS FOR  DIVISION OF HUMAN SERVICES  FEDERAL FUNDS  GENERAL FUNDS  OTHER FUNDS  TOTAL</p>						
				88427,231	83625,519	
				57337,229	61245,140	
				31202,863	32397,009	
				176967,323	177267,668	
<p>05 HEALTH AND SOCIAL SERVICES  02 DEPARTMENT OF HEALTH &amp; HUMAN SERVICES  05 DIVISION OF MENTAL HEALTH  01 ADMINISTRATION  04 COMMUNITY MENTAL HEALTH SERVICES</p>						
STRIKE OUT						
92 GRANTS				26639,516	31741,417	
INSERT IN PLACE THEREOF						
92 GRANTS				25000,161	29270,594	
INSERT						
<p>*  \$162,256 IN FY 88 AND \$178,346 IN FY 89 IS TO  FUND SALARY INCREASES FOR DIRECT CARE WORKERS  IN OR UNDER CONTRACT TO COMMUNITY MENTAL HEALTH  CENTERS. IT SHALL NOT BE EXPENDED FOR ANY  OTHER PURPOSE.</p>						
TOTAL				29947,533	33859,597	
ESTIMATED SOURCE OF FUNDS FOR COMMUNITY MENTAL HEALTH SERVICES						
STRIKE OUT						
GENERAL FUND				21543,650	26817,779	
INSERT IN PLACE THEREOF				19904,295	24346,956	
GENERAL FUND				29947,533	33859,597	
TOTAL						
<p>05 HEALTH AND SOCIAL SERVICES  02 DEPARTMENT OF HEALTH &amp; HUMAN SERVICES  05 DIVISION OF MENTAL HEALTH  01 ADMINISTRATION  05 COMMUNITY DEVELOP. SERVICES</p>						
STRIKE OUT						
95 GRANTS				41055,492	47593,178	

AMENDMENTS TO	PAGE	138	05/01/87		FISCAL YEAR 1988	FISCAL YEAR 1989
HB0300						
05 HEALTH AND SOCIAL SERVICES 02 DEPARTMENT OF HEALTH & HUMAN SERVICES 05 DIVISION OF MENTAL HEALTH 01 ADMINISTRATION 05 COMMUNITY DEVELOP. SERVICES				(CONT.) (CONT.) (CONT.) (CONT.) (CONT.)		
INSERT IN PLACE THEREOF. 95 GRANTS				40194,411	46352,294	53193,600
TOTAL ESTIMATED SOURCE OF FUNDS FOR COMMUNITY DEVELOP. SERVICES				48410,372		
STRIKE OUT FEDERAL FUNDS				18498,618		19341,969
INSERT IN PLACE THEREOF FEDERAL FUNDS				18235,411		18875,946
STRIKE OUT GENERAL FUND				29522,835		33242,515
INSERT IN PLACE THEREOF GENERAL FUND				28924,961		32467,654
TOTAL				48410,372		53193,600
TOTAL ESTIMATED SOURCE OF FUNDS FOR ADMINISTRATION FEDERAL FUNDS GENERAL FUNDS OTHER FUNDS				84519,892		93347,402
TOTAL				29649,638		29823,894
				51900,123		60017,694
				2970,131		3505,814
				84519,892		93347,402
05 HEALTH AND SOCIAL SERVICES 02 DEPARTMENT OF HEALTH & HUMAN SERVICES 05 DIVISION OF MENTAL HEALTH 04 NEW HAMPSHIRE HOSPITAL 01 ADMINISTRATION						
STRIKE OUT 92 ADVERTISING & RECRUITMENT-NURS D				14,000	14,000	
TOTAL ESTIMATED SOURCE OF FUNDS FOR ADMINISTRATION				1482,710		1530,249
STRIKE OUT GENERAL FUND				1441,710		1489,249

AMENDMENTS TO	PAGE	139	05/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
H60300					
05 HEALTH AND SOCIAL SERVICES					
02 DEPARTMENT OF HEALTH & HUMAN SERVICES					
05 DIVISION OF MENTAL HEALTH					
04 NEW HAMPSHIRE HOSPITAL					
01 ADMINISTRATION					
INSERT IN PLACE THEREOF					
GENERAL FUND				1427,710	1475,249
TOTAL				1482,710	1530,249
05 HEALTH AND SOCIAL SERVICES					
02 DEPARTMENT OF HEALTH & HUMAN SERVICES					
05 DIVISION OF MENTAL HEALTH					
04 NEW HAMPSHIRE HOSPITAL					
02 SUPPORT SERVICES					
STRIKE OUT					
20 CURRENT EXPENSES			1535,368	1568,872	
INSERT IN PLACE THEREOF					
20 CURRENT EXPENSES			1639,487	1684,189	
STRIKE OUT					
50 OTHER PERSONAL SERVICES			163,312	225,759	
INSERT IN PLACE THEREOF					
50 OTHER PERSONAL SERVICES			224,462	311,369	
STRIKE OUT					
60 BENEFITS			841,262	933,794	
INSERT IN PLACE THEREOF					
60 BENEFITS			845,634	940,223	
TOTAL					9200,013
ESTIMATED SOURCE OF FUNDS FOR					
SUPPORT SERVICES			8966,890		
STRIKE OUT					
01 OTHER AGENCY FUNDS			549,338		559,338
INSERT IN PLACE THEREOF					
01 OTHER AGENCY FUNDS			718,979		766,694
TOTAL			8966,890		9200,013
TOTAL			28501,380		30230,763
ESTIMATED SOURCE OF FUNDS FOR					
NEW HAMPSHIRE HOSPITAL			27727,401		29409,069
GENERAL FUNDS			773,979		821,694
OTHER FUNDS					

AMENDMENTS TO	PAGE	140	05/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
HB0300						
05 HEALTH AND SOCIAL SERVICES						
02 DEPARTMENT OF HEALTH & HUMAN SERVICES						
05 DIVISION OF MENTAL HEALTH						
04 NEW HAMPSHIRE HOSPITAL						
				(CONT.)		
				(CONT.)		
				(CONT.)		
				(CONT.)		
TOTAL				28501,380	30230,763	
TOTAL				130805,387	140274,403	
ESTIMATED SOURCE OF FUNDS FOR						
DIVISION OF MENTAL HEALTH						
FEDERAL FUNDS						
GENERAL FUNDS						
OTHER FUNDS						
TOTAL				29649,638	29823,894	
				97217,151	105928,513	
				3938,598	4521,996	
				130805,387	140274,403	
05 HEALTH AND SOCIAL SERVICES						
02 DEPARTMENT OF HEALTH & HUMAN SERVICES						
06 DIV OF ELDERLY & ADULT SERV						
02 PROGRAM OPERATIONS						
01 FIELD OPERATIONS						
INSERT				1177,065	1230,737	
STRIKE OUT						
10 PERSONAL SERVICES - PERMANENT				1177,065	1230,737	
INSERT				247,184	270,762	
60 BENEFITS						
STRIKE OUT				247,184	270,762	
60 BENEFITS						
INSERT				44,666	45,541	
70 IN-STATE TRAVEL						
STRIKE OUT				44,666	45,541	
70 IN-STATE TRAVEL						
TOTAL				1468,915	1547,040	
ESTIMATED SOURCE OF FUNDS FOR						
FIELD OPERATIONS						
INSERT				1468,915	1547,040	
GENERAL FUND						
STRIKE OUT				1468,915	1547,040	
GENERAL FUND				1468,915	1547,040	
TOTAL				1468,915	1547,040	

AMENDMENTS ,0	PAGE	141	05/01/87		FISCAL YEAR 1988	FISCAL YEAR 1989
HB0300					-----	-----
05 HEALTH AND SOCIAL SERVICES				(CONT.)		
02 DEPARTMENT OF HEALTH & HUMAN SERVICES				(CONT.)		
06 DIV OF ELDERLY & ADULT SERV				(CONT.)		
02 PROGRAM OPERATIONS				(CONT.)		
01 FIELD OPERATIONS				(CONT.)		
05 HEALTH AND SOCIAL SERVICES						
02 DEPARTMENT OF HEALTH & HUMAN SERVICES						
06 DIV OF ELDERLY & ADULT SERV						
02 PROGRAM OPERATIONS						
02 AREA COORDINATION						
ESTIMATED SOURCE OF FUNDS FOR						
AREA COORDINATION					124,560	130,084
INSERT PROGRAM REGIONAL OPERAT						
STRIKE OUT					166,080	173,445
GENERAL FUND						
INSERT IN PLACE THEREOF					41,520	43,361
GENERAL FUND					166,080	173,445
TOTAL						
TOTAL					1634,995	1720,485
ESTIMATED SOURCE OF FUNDS FOR						
PROGRAM OPERATIONS						
FEDERAL FUNDS					124,560	130,084
GENERAL FUNDS					1510,435	1590,401
TOTAL					1634,995	1720,485
05 HEALTH AND SOCIAL SERVICES						
02 DEPARTMENT OF HEALTH & HUMAN SERVICES						
06 DIV OF ELDERLY & ADULT SERV						
03 GRANTS TO LOCALS						
02 SSBG						
INSERT						
90 CONTRACTS/GRANTS					5358,428	5378,556
STRIKE OUT						
90 CONTRACTS/GRANTS					5358,428	5378,556
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR					5358,428	5378,556
SSBG						



AMENDMENTS TO	PAGE	142	05/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
HB0300						
(CONT.)						
05 HEALTH AND SOCIAL SERVICES						
02 DEPARTMENT OF HEALTH & HUMAN SERVICES						
06 DIV OF ELDERLY & ADULT SERV						
03 GRANTS TO LOCALS						
02 SS86						
(CONT.)						
02 SS86						
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AMENDMENTS TO PAGE 144 05/01/87  
 HB0300

05 HEALTH AND SOCIAL SERVICES  
 02 DEPARTMENT OF HEALTH & HUMAN SERVICES

(CONT.)  
 (CONT.)

GENERAL FUNDS  
 OTHER FUNDS  
 TOTAL

197102,793  
 44390,498  
 388621,527

210667,628  
 6525,291  
 399771,916

05 HEALTH AND SOCIAL SERVICES  
 03 VETERANS HOME  
 01 VETS HOME PROFESSIONAL CARE

STRIKE OUT  
 20 CURRENT EXPENSES  
 INSERT IN PLACE THEREOF  
 20 CURRENT EXPENSES  
 STRIKE OUT  
 46 CONSULTANTS  
 INSERT IN PLACE THEREOF  
 46 CONSULTANTS

96,573  
 102,573  
 21,614  
 38,774

100,889  
 103,889  
 22,477  
 39,637

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 VETS HOME PROFESSIONAL CARE

1595,902  
 1706,749

STRIKE OUT  
 09 AGENCY INCOME  
 INSERT IN PLACE THEREOF  
 09 AGENCY INCOME  
 TOTAL

558,000  
 578,160  
 1595,902

620,000  
 640,160  
 1706,749

05 HEALTH AND SOCIAL SERVICES  
 03 VETERANS HOME  
 02 VETS HOME CUSTODIAL CARE

STRIKE OUT  
 10 PERSONAL SERVICES - PERMANENT  
 INSERT IN PLACE THEREOF  
 10 PERSONAL SERVICES - PERMANENT

432,410  
 444,287

452,976  
 465,206

AMENDMENTS TO	PAGE	145	05/01/87			FISCAL YEAR 1988	FISCAL YEAR 1989
H80300							
05 HEALTH AND SOCIAL SERVICES							
03 VETERANS HOME				(CONT.)			
02 VETS HOME CUSTODIAL CARE				(CONT.)			
				(CONT.)			
STRIKE OUT					71,115		81,661
20 CURRENT EXPENSES							
INSERT IN PLACE THEREOF					71,115		73,100
STRIKE OUT					84,685		91,654
21 FOOD INSTITUTIONS				D			
INSERT IN PLACE THEREOF				D	84,685		85,294
STRIKE OUT							
23 HEAT, ELECTRICITY & WATER				D	125,321		116,248
INSERT IN PLACE THEREOF				D	110,949		116,248
STRIKE OUT					92,753		101,812
60 BENEFITS							
INSERT IN PLACE THEREOF					95,248		104,503
60 BENEFITS						880,923	880,139
TOTAL							
TOTAL						2476,825	2586,888
ESTIMATED SOURCE OF FUNDS FOR							
VETERANS HOME							
FEDERAL FUNDS					535,000		535,000
GENERAL FUNDS					947,357		995,420
OTHER FUNDS					994,468		1056,468
TOTAL					2,476,825		2,586,888
TOTAL						391,278,895	402,548,675
ESTIMATED SOURCE OF FUNDS FOR							
HEALTH AND SOCIAL SERVICES							
FEDERAL FUNDS					147,663,236		143,313,996
GENERAL FUNDS					198,230,693		211,652,920
OTHER FUNDS					45,384,966		47,581,759
TOTAL					391,278,895		402,548,675
06 EDUCATION							
01 POST SECONDARY EDUCATION COMMISSION							
01 ADMINISTRATION & FINANCIAL AID							
STRIKE OUT					1000,000		1000,000
99 INCENTIVE PROGRAM							

AMENDMENTS TO	PAGE	146	05/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
(CONT.)						
06 EDUCATION						
01 POST SECONDARY EDUCATION COMMISSION						
(CONT.)						
01 ADMINISTRATION & FINANCIAL AID						
(CONT.)						
INSERT IN PLACE THEREOF						
99 NH INCENTIVE PROGRAM						
TOTAL				800,000	2468,738	2490,701
ESTIMATED SOURCE OF FUNDS FOR						
ADMINISTRATION & FINANCIAL AID						
STRIKE OUT						
GENERAL FUND						
INSERT IN PLACE THEREOF						
GENERAL FUND						
TOTAL					2386,138	2408,101
					2186,138	2208,101
					2468,738	2490,701
06 EDUCATION						
01 POST SECONDARY EDUCATION COMMISSION						
03 PERKINS SCHOLARSHIP PROGRAM						
STRIKE OUT						
94 CARL D PERKINS SCHOLARSHIP PRO						
INSERT IN PLACE THEREOF						
94 CARL D PERKINS SCHOLARSHIP PRO						
TOTAL				38,750		38,750
ESTIMATED SOURCE OF FUNDS FOR				66,083		68,000
PERKINS SCHOLARSHIP PROGRAM						
STRIKE OUT						
FEDERAL FUNDS						
INSERT IN PLACE THEREOF						
FEDERAL FUNDS						
TOTAL					66,083	68,000
					38,750	38,750
					66,083	68,000
					66,083	68,000
TOTAL					2601,305	2627,654
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
POST SECONDARY EDUCATION COMMISSION						
FEDERAL FUNDS						
GENERAL FUND						
					398,306	402,697
					2194,799	2216,757

AMENDMENTS TO	PAGE	147	05/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
NB0300						
(CONT.)						
(CONT.)						
06 EDUCATION						
01 POST SECONDARY EDUCATION COMMISSION						
OTHER FUNDS						
TOTAL						
06 EDUCATION						
03 DEPARTMENT OF EDUCATION						
01 OFFICE OF THE COMMISSIONER						
01 COMMISSIONER - STATE						
STRIKE OUT						
94 BUILDING AID						
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
COMMISSIONER - STATE						
STRIKE OUT						
GENERAL FUND						
INSERT IN PLACE THEREOF						
GENERAL FUND						
TOTAL						
06 EDUCATION						
03 DEPARTMENT OF EDUCATION						
01 OFFICE OF THE COMMISSIONER						
04 EDUCATION PROGRAMS						
01 SPECIAL INITIATIVES PROGRAM						
STRIKE OUT						
90 ELEMENTARY-SECONDARY INITIATIV G						
STRIKE OUT						
91 CHRISTA McAULIFFE MEMORIAL FUN G						
ESTIMATED SOURCE OF FUNDS FOR						
SPECIAL INITIATIVES PROGRAM						
STRIKE OUT						
GENERAL FUND						
ESTIMATED SOURCE OF FUNDS FOR						
EDUCATION PROGRAMS						
8,200						
2607,654						
8,200						
2607,654						
521,190						
7152,000						
621,227						
8101,323						
7655,360						
403,323						
503,360						
521,190						
621,227						
500,000						
250,000						
750,000						





AMENDMENTS TO	PAGE	149	05/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
06 EDUCATION 03 DEPARTMENT OF EDUCATION 02 OFFICE OF ADMINISTRATION 04 FINANCIAL AID TO DISTRICTS - STATE 01 FOUNDATION AID (CONT.) (CONT.) (CONT.) (CONT.) (CONT.)						
INSERT IN PLACE THEREOF						
90 FOUNDATION AID				4900,000	2600,000	
INSERT						
93 BASIC ALLOCATION TO DISTRICTS				8118,312	8118,312	
INSERT						
96 SWEEPSTAKES DISTRIBUTION				19000,000	21300,000	
TOTAL				32018,312		32018,312
06 EDUCATION						
03 DEPARTMENT OF EDUCATION						
02 OFFICE OF ADMINISTRATION						
04 FINANCIAL AID TO DISTRICTS - STATE						
02 BUILDING AID						
INSERT						
90 BUILDING AID				5992,812	6375,000	
TOTAL				5992,812		6375,000
ESTIMATED SOURCE OF FUNDS FOR BUILDING AID						
INSERT GENERAL FUND						
TOTAL				5992,812		6375,000
				5992,812		6375,000
TOTAL				38011,124		38393,312
ESTIMATED SOURCE OF FUNDS FOR FINANCIAL AID TO DISTRICTS - STATE						
GENERAL FUNDS						
OTHER FUNDS						
TOTAL				19011,124		17093,312
				19000,000		21300,000
TOTAL				38011,124		38393,312
TOTAL				38997,767		39417,934
ESTIMATED SOURCE OF FUNDS FOR OFFICE OF ADMINISTRATION						
FEDERAL FUNDS						
GENERAL FUNDS						
				159,712		168,372
TOTAL				19828,055		17939,562

AMENDMENTS TO  
HB0300 PAGE 150 05/01/87

06 EDUCATION  
03 DEPARTMENT OF EDUCATION  
02 OFFICE OF ADMINISTRATION

(CONT.)  
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		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
OTHER FUNDS			
TOTAL		19010,000	21310,000
		38997,767	39417,934
06 EDUCATION			
03 DEPARTMENT OF EDUCATION			
03 DIVISION OF INSTRUCTION			
03 SPECIAL EDUCATION			
01 SPECIAL EDUCATION - STATE			
STRIKE OUT			
92 CATASTROPHIC COST	6602,401	6801,256	
INSERT IN PLACE THEREOF			
92 CATASTROPHIC COST	3486,767	3835,444	
TOTAL			4585,155
ESTIMATED SOURCE OF FUNDS FOR	4223,359		
SPECIAL EDUCATION - STATE			
STRIKE OUT			
GENERAL FUND	7338,993		7550,967
INSERT IN PLACE THEREOF			
GENERAL FUND	4223,359		4585,155
TOTAL	4223,359		4585,155
	11047,503		11544,543
TOTAL			
ESTIMATED SOURCE OF FUNDS FOR			
SPECIAL EDUCATION	4939,576		5045,711
FEDERAL FUNDS	6107,927		6498,832
GENERAL FUNDS	11047,503		11544,543
TOTAL			
	32804,216		33974,703
TOTAL			
ESTIMATED SOURCE OF FUNDS FOR			
DIVISION OF INSTRUCTION			
FEDERAL FUNDS	22649,466		23103,270
GENERAL FUNDS	10080,816		10781,433
OTHER FUNDS	73,934		90,000
TOTAL	32804,216		33974,703

AMENDMENTS TO	PAGE	151	05/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
<p>HB0300</p> <p>(CONT.)</p> <p>(CONT.)</p> <p>(CONT.)</p>						
06 EDUCATION						
03 DEPARTMENT OF EDUCATION						
03 DIVISION OF INSTRUCTION						
TOTAL					99182,606	102504,485
ESTIMATED SOURCE OF FUNDS FOR						
DEPARTMENT OF EDUCATION						
FEDERAL FUNDS					44838,986	46309,201
GENERAL FUNDS					34360,830	33897,348
OTHER FUNDS					19982,790	22297,936
TOTAL					99182,606	102504,485
06 EDUCATION						
04 DEPT OF POST SECONDARY VOC EDUCATION						
01 OFFICE OF THE COMMISSIONER						
01 ADMINISTRATION						
TOTAL					339,116	
ESTIMATED SOURCE OF FUNDS FOR						
DEPARTMENT OF EDUCATION						
FEDERAL FUNDS					253,550	
GENERAL FUNDS					57,801	
OTHER FUNDS					57,401	
TOTAL					98,035	
ESTIMATED SOURCE OF FUNDS FOR						
DEPARTMENT OF EDUCATION						
FEDERAL FUNDS					79,210	
GENERAL FUNDS					27,000	
OTHER FUNDS					25,000	
TOTAL					443,260	
ESTIMATED SOURCE OF FUNDS FOR						
DEPARTMENT OF EDUCATION						
FEDERAL FUNDS					671,250	
GENERAL FUNDS						
OTHER FUNDS						
TOTAL					699,138	

AMENDMENTS TO		PAGE	152	05/01/87	----- FISCAL YEAR 1988 -----		----- FISCAL YEAR 1989 -----	
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AMENDMENTS TO  
H00300 PAGE 153 05/01/87

06 EDUCATION  
04 DEPT OF POST SECONDARY VOC EDUCATION  
01 OFFICE OF THE COMMISSIONER

(CONT.)  
(CONT.)  
(CONT.)

ESTIMATED SOURCE OF FUNDS FOR  
OFFICE OF THE COMMISSIONER  
GENERAL FUNDS  
OTHER FUNDS  
TOTAL

937,275	983,379
402,177	402,177
1339,452	1385,556

06 EDUCATION  
04 DEPT OF POST SECONDARY VOC EDUCATION  
02 VOC-TECH COLLEGE MANCHESTER  
01 TECHNICAL EDUCATION DIVISION

STRIKE OUT  
23 HEAT, ELECTRICITY & WATER  
INSERT IN PLACE THEREOF  
23 HEAT, ELECTRICITY & WATER  
STRIKE OUT  
40 INDIRECT COSTS  
INSERT IN PLACE THEREOF  
40 INDIRECT COSTS

110,000	110,000
110,000	110,000
139,530	166,663
139,530	166,663

2903,371	2919,952
----------	----------

STRIKE OUT AFTER SOURCE OF FUNDS

THE VOCATIONAL TECHNICAL COLLEGE IS AUTHORIZED TO SELL AND USE INCOME FROM SALE OF SAND AND GRAVEL FROM THE COLLEGE PROPERTY TO MAINTAIN, REPAIR AND IMPROVE THE BUILDINGS AND GROUNDS. THIS REVENUE SHALL NOT LAPSE NOR BE TRANSFERRED TO ANY OTHER STATE FUND.

INSERT IN PLACE THEREOF

WITH PRIOR APPROVAL OF THE FISCAL COMMITTEE,  
FOR THE BIENNIUM ENDING JUNE 30, 1989.



AMENDMENTS TO  
NB0300 PAGE 154 05/01/87

----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

06 EDUCATION (CONT.-)  
04 DEPT OF POST SECONDARY VOC EDUCATION (CONT.-)  
02 VOC-TECH COLLEGE MANCHESTER (CONT.-)  
01 TECHNICAL EDUCATION DIVISION (CONT.-)

THE VOCATIONAL TECHNICAL COLLEGE IN MANCHESTER IS AUTHORIZED TO SELL AND USE INCOME FROM SALE OF SAND AND GRAVEL FROM THE COLLEGE PROPERTY TO MAINTAIN, REPAIR AND IMPROVE THE BUILDINGS AND GROUNDS. THIS REVENUE SHALL NOT LAPSE NOR BE TRANSFERRED TO ANY OTHER STATE FUND.

06 EDUCATION  
04 DEPT OF POST SECONDARY VOC EDUCATION  
02 VOC-TECH COLLEGE MANCHESTER  
03 VOCATIONAL TRAINING DIVISION

STRIKE OUT	92,963	92,963
20 CURRENT EXPENSES		
INSERT IN PLACE THEREOF	101,963	102,963
20 CURRENT EXPENSES		
STRIKE OUT		
30 EQUIPMENT	4,000	4,000
INSERT IN PLACE THEREOF	20,000	6,000
30 EQUIPMENT		
STRIKE OUT		
40 INDIRECT COSTS	35,994	42,628
INSERT IN PLACE THEREOF		
40 INDIRECT COSTS	35,994	42,628
STRIKE OUT		
50 OTHER PERSONAL SERVICES	335,754	335,754
INSERT IN PLACE THEREOF		
50 OTHER PERSONAL SERVICES	365,754	368,754
STRIKE OUT		
60 BENEFITS	49,655	53,977
INSERT IN PLACE THEREOF		
60 BENEFITS	51,800	56,455
STRIKE OUT		
91 ADVERTISING	60,506	53,915
INSERT IN PLACE THEREOF		
91 ADVERTISING	86,506	92,915



AMENDMENTS TO HB0300	PAGE	156	05/01/87	FISCAL YEAR 1988		FISCAL YEAR 1989	
<div>06 EDUCATION</div> <div>(CONT.)</div> <div>04 DEPT OF POST SECONDARY VOC EDUCATION</div> <div>(CONT.)</div> <div>03 VOC-TECH COLLEGE STRATHAM</div> <div>(CONT.)</div> <div>01 TECHNICAL EDUCATION DIVISION</div>							
INSERT IN PLACE THEREOF							
23 HEAT, ELECTRICITY & WATER				75,000		75,000	
STRIKE OUT							
40 INDIRECT COSTS				77,071		79,752	
INSERT IN PLACE THEREOF							
40 INDIRECT COSTS				77,071		79,752	
TOTAL				1725,355		1794,032	
<div>06 EDUCATION</div> <div>04 DEPT OF POST SECONDARY VOC EDUCATION</div> <div>03 VOC-TECH COLLEGE STRATHAM</div> <div>02 VOCATIONAL TRAINING DIVISION</div>							
STRIKE OUT							
40 INDIRECT COSTS				29,986		39,851	
INSERT IN PLACE THEREOF							
40 INDIRECT COSTS				29,986		39,851	
TOTAL				657,067		681,912	
<div>06 EDUCATION</div> <div>04 DEPT OF POST SECONDARY VOC EDUCATION</div> <div>03 VOC-TECH COLLEGE STRATHAM</div> <div>03 PELL BASIC GRANT</div>							
STRIKE OUT							
41 AUDIT FUND SET ASIDE				300		300	
INSERT IN PLACE THEREOF							
41 AUDIT FUND SET ASIDE				300		300	
TOTAL				71,445		71,445	
TOTAL				2520,482		2614,004	
ESTIMATED SOURCE OF FUNDS FOR VOC-TECH COLLEGE STRATHAM							

----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

AMENDMENTS TO PAGE 157 05/01/87

06 EDUCATION (CONT.)  
04 DEPT OF POST SECONDARY VOC EDUCATION (CONT.)  
03 VOC-TECH COLLEGE STRATHAM (CONT.)

FEDERAL FUNDS  
GENERAL FUNDS  
OTHER FUNDS  
TOTAL

106,295  
132,638  
106,134  
2614,004

06 EDUCATION  
04 DEPT OF POST SECONDARY VOC EDUCATION  
04 N H TECHNICAL INSTITUTE  
01 TECHNICAL EDUCATION DIVISION

STRIKE OUT AFTER SOURCE OF FUNDS

---  
FOR THE BIENNIIUM ENDING JUNE 30, 1989, THE  
NEW HAMPSHIRE TECHNICAL INSTITUTE IS HEREBY  
AUTHORIZED TO LEASE LAND, SELL SAND, GRAVEL,  
EXCESS CORDWOOD, TIMBER, LOAM AND OTHER  
MATERIALS FROM CAMPUS PROPERTY AND TO USE THE  
INCOME THEREFROM TO MAINTAIN, REPAIR AND  
IMPROVE BUILDINGS, GROUNDS AND RECREATIONAL  
FACILITIES FOR STUDENTS. THIS REVENUE SHALL  
LAPSE NOR BE TRANSFERRED TO ANY OTHER STATE  
FUND.

INSERT IN PLACE THEREOF

---  
WITH PRIOR APPROVAL OF THE FISCAL COMMITTEE,  
FOR THE BIENNIIUM ENDING JUNE 30, 1989, THE  
NEW HAMPSHIRE TECHNICAL INSTITUTE IS HEREBY  
AUTHORIZED TO LEASE LAND, SELL SAND, GRAVEL,  
EXCESS CORDWOOD, TIMBER, LOAM AND OTHER  
MATERIALS FROM CAMPUS PROPERTY AND TO USE THE  
INCOME THEREFROM TO MAINTAIN, REPAIR AND  
IMPROVE BUILDINGS, GROUNDS AND RECREATIONAL  
FACILITIES FOR STUDENTS. THIS REVENUE SHALL NOT

AMENDMENTS TO		PAGE	158	05/01/87	----- FISCAL YEAR 1988 -----		----- FISCAL YEAR 1989 -----	
H80300								
(CONT.)								
06 EDUCATION								
04 DEPT OF POST SECONDARY VOC EDUCATION								
04 N H TECHNICAL INSTITUTE								
01 TECHNICAL EDUCATION DIVISION								
(CONT.)								
LAPSE NOT BE TRANSFERRED TO ANY OTHER STATE								
FUND.								
06 EDUCATION								
04 DEPT OF POST SECONDARY VOC EDUCATION								
04 N H TECHNICAL INSTITUTE								
03 WOMEN'S DORM								
STRIKE OUT								
23 HEAT, ELECTRICITY & WATER				35,000			35,000	
INSERT IN PLACE THEREOF								
23 HEAT, ELECTRICITY & WATER				35,000			35,000	
STRIKE OUT								
40 INDIRECT COSTS				6,910			8,233	
INSERT IN PLACE THEREOF								
40 INDIRECT COSTS				6,910			8,233	
TOTAL				184,046			187,304	
06 EDUCATION								
04 DEPT OF POST SECONDARY VOC EDUCATION								
04 N H TECHNICAL INSTITUTE								
04 MEN'S DORM								
STRIKE OUT								
40 INDIRECT COSTS				5,293			5,848	
INSERT IN PLACE THEREOF								
40 INDIRECT COSTS				5,293			5,863	
STRIKE OUT								
47 OWN MAINT BLDGS & GROUNDS				3,917			2,083	
INSERT IN PLACE THEREOF								
47 OWN MAINT BLDGS & GROUNDS				3,917			2,083	
TOTAL				156,354			108,645	
06 EDUCATION								
04 DEPT OF POST SECONDARY VOC EDUCATION								
04 N H TECHNICAL INSTITUTE								
11 VOCATIONAL TRAINING DIVISION								
STRIKE OUT								
40 INDIRECT COSTS				29,022			37,967	

AMENDMENTS TO	PAGE	159	05/01/87		FISCAL YEAR 1988	FISCAL YEAR 1989
HB0300						
(CONT.)						
(CONT.)						
(CONT.)						
(CONT.)						
O6 EDUCATION						
O4 DEPT OF POST SECONDARY VOC EDUCATION						
O4 N H TECHNICAL INSTITUTE						
11 VOCATIONAL TRAINING DIVISION						
INSERT IN PLACE THEREOF				29,022		37,967
40 INDIRECT COSTS						
TOTAL					567,207	587,581
O6 EDUCATION						
O4 DEPT OF POST SECONDARY VOC EDUCATION						
O4 N H TECHNICAL INSTITUTE						
12 PELL BASIC GRANT						
STRIKE OUT						
41 AUDIT FUND SET ASIDE				483		483
INSERT IN PLACE THEREOF						
41 AUDIT FUND SET ASIDE				483		483
TOTAL					245,463	245,463
TOTAL					7353,369	7541,035
ESTIMATED SOURCE OF FUNDS FOR						
N H TECHNICAL INSTITUTE						
FEDERAL FUNDS					347,684	348,868
GENERAL FUNDS					4836,686	4990,368
OTHER FUNDS					2166,997	2201,799
TOTAL					7355,369	7541,035
O6 EDUCATION						
O4 DEPT OF POST SECONDARY VOC EDUCATION						
O5 VOC-TECH COLLEGE BERLIN						
O1 TECHNICAL EDUCATION DIVISION						
STRIKE OUT						
10 PERSONAL SERVICES - PERMANENT						
INSERT IN PLACE THEREOF						
10 PERSONAL SERVICES - PERMANENT						
STRIKE OUT						
20 CURRENT EXPENSES						
				1263,633		1307,196
				1165,720		1206,926
				161,547		166,632

AMENDMENTS TO	PAGE	160	05/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
06 EDUCATION						
04 DEPT OF POST SECONDARY VOC EDUCATION						
05 VOC-TECH COLLEGE BERLIN						
01 TECHNICAL EDUCATION DIVISION						
(CONT.)						
(CONT.)						
(CONT.)						
INSERT IN PLACE THEREOF				152,547	157,632	
20 CURRENT EXPENSES						
STRIKE OUT				278,114	301,505	
60 BENEFITS						
INSERT IN PLACE THEREOF				257,552	279,006	
60 BENEFITS						
TOTAL				1988,475		2063,396
ESTIMATED SOURCE OF FUNDS FOR						
TECHNICAL EDUCATION DIVISION						
STRIKE OUT				420,647		435,147
09 TUITION/NHUTC-BERLIN						
INSERT IN PLACE THEREOF				348,147		348,147
09 TUITION/NHUTC-BERLIN						
STRIKE OUT				164,3203		1709,918
GENERAL FUND						
INSERT IN PLACE THEREOF				1588,228		1663,149
GENERAL FUND				1988,475		2063,396
TOTAL						
06 EDUCATION						
04 DEPT OF POST SECONDARY VOC EDUCATION						
05 VOC-TECH COLLEGE BERLIN						
02 VOCATIONAL TRAINING DIVISION						
STRIKE OUT						
40 INDIRECT COSTS				7,856	9,311	
INSERT IN PLACE THEREOF						
40 INDIRECT COSTS				7,856	9,311	
TOTAL				155,435		156,890
06 EDUCATION						
04 DEPT OF POST SECONDARY VOC EDUCATION						
05 VOC-TECH COLLEGE BERLIN						
03 PELL BASIC GRANT						
STRIKE OUT						
41 AUDIT FUND SET ASIDE				500		500



AMENDMENTS TO		PAGE	161	05/01/87	----- FISCAL YEAR 1988 -----		----- FISCAL YEAR 1989 -----	
H80300								
06 EDUCATION								
04 DEPT OF POST SECONDARY VOC EDUCATION								
05 VOC-TECH COLLEGE BERLIN								
03 PELL BASIC GRANT								
(CONT.)								
(CONT.)								
(CONT.)								
INSERT IN PLACE THEREOF								
41 AUDIT FUND SET ASIDE								
D								
TOTAL								
500								
176,085								
176,085								
06 EDUCATION								
04 DEPT OF POST SECONDARY VOC EDUCATION								
05 VOC-TECH COLLEGE BERLIN								
08 RESIDENT SPECIALIST PROGRAM								
STRIKE OUT								
40 INDIRECT COST								
INSERT IN PLACE THEREOF								
4,000								
4,000								
E								
TOTAL								
104,748								
113,795								
2539,746								
2625,169								
ESTIMATED SOURCE OF FUNDS FOR								
VOC-TECH COLLEGE BERLIN								
FEDERAL FUNDS								
GENERAL FUNDS								
OTHER FUNDS								
TOTAL								
233,179								
1706,132								
600,435								
2539,746								
06 EDUCATION								
04 DEPT OF POST SECONDARY VOC EDUCATION								
06 VOC-TECH COLLEGE LACONIA								
02 VOCATIONAL TRAINING DIVISION								
STRIKE OUT								
40 INDIRECT COSTS								
INSERT IN PLACE THEREOF								
15,000								
15,000								
E								
STRIKE OUT								
41 AUDIT FUND SET ASIDE								
444								
444								

AMENDMENTS TO HB0300	PAGE	162	05/01/87		FISCAL YEAR 1988		FISCAL YEAR 1989
<b>06 EDUCATION</b>							
<b>04 DEPT OF POST SECONDARY VOC EDUCATION</b>							
<b>06 VOC-TECH COLLEGE LACONIA</b>							
<b>02 VOCATIONAL TRAINING DIVISION</b>							
<b>(CONT.)</b>							
<b>(CONT.)</b>							
<b>(CONT.)</b>							
<b>(CONT.)</b>							
<b>INSERT IN PLACE THEREOF</b>							
<b>41 AUDIT FUND SET ASIDE</b>							
<b>D</b>							
<b>444</b>							
<b>444</b>							
<b>TOTAL</b>							
<b>462,898</b>							
<b>558,607</b>							
<b>06 EDUCATION</b>							
<b>04 DEPT OF POST SECONDARY VOC EDUCATION</b>							
<b>06 VOC-TECH COLLEGE LACONIA</b>							
<b>03 PELL BASIC GRANT</b>							
<b>STRIKE OUT</b>							
<b>41 AUDIT FUND SET ASIDE</b>							
<b>204</b>							
<b>208</b>							
<b>INSERT IN PLACE THEREOF</b>							
<b>41 AUDIT FUND SET ASIDE</b>							
<b>D</b>							
<b>204</b>							
<b>208</b>							
<b>TOTAL</b>							
<b>72,720</b>							
<b>74,146</b>							
<b>2218,851</b>							
<b>TOTAL</b>							
<b>ESTIMATED SOURCE OF FUNDS FOR</b>							
<b>VOC-TECH COLLEGE LACONIA</b>							
<b>FEDERAL FUNDS</b>							
<b>GENERAL FUNDS</b>							
<b>OTHER FUNDS</b>							
<b>TOTAL</b>							
<b>2099,266</b>							
<b>106,436</b>							
<b>1278,123</b>							
<b>834,292</b>							
<b>2218,851</b>							
<b>06 EDUCATION</b>							
<b>04 DEPT OF POST SECONDARY VOC EDUCATION</b>							
<b>07 VOC-TECH COLLEGE CLAREMONT</b>							
<b>01 TECHNICAL EDUCATION DIVISION</b>							
<b>STRIKE OUT</b>							
<b>23 HEAT, ELECTRICITY &amp; WATER</b>							
<b>55,000</b>							
<b>INSERT IN PLACE THEREOF</b>							
<b>23 HEAT, ELECTRICITY &amp; WATER</b>							
<b>55,000</b>							
<b>STRIKE OUT</b>							
<b>40 INDIRECT COSTS</b>							
<b>98,375</b>							
<b>115,971</b>							

AMENDMENTS TO	PAGE	103	05/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
H60300						
06 EDUCATION						
04 DEPT OF POST SECONDARY VOC EDUCATION						
07 VOC-TECH COLLEGE CLAREMONT						
01 TECHNICAL EDUCATION DIVISION						
(CONT.)						
(CONT.)						
(CONT.)						
INSERT IN PLACE THEREOF				E	98,375	115,971
40 INDIRECT COSTS						2064,588
TOTAL					2028,924	
STRIKE OUT AFTER SOURCE OF FUNDS						
FOR THE BIENNIUM ENDING JUNE 30, 1989, THE						
VOCATIONAL-TECHNICAL COLLEGE IN CLAREMONT						
IS HEREBY AUTHORIZED TO						
SELL SAND, GRAVEL, EXCESS CORDWOOD, TIMBER,						
LOAM AND OTHER MATERIALS FROM CAMPUS PROPERTY						
AND TO USE THE INCOME THEREFROM TO MAINTAIN,						
REPAIR AND IMPROVE BUILDINGS, GROUNDS AND						
RECREATIONAL FACILITIES FOR STUDENTS. THIS						
REVENUE SHALL NOT LAPSE NOR BE TRANSFERRED TO						
ANY OTHER STATE FUND.						
INSERT IN PLACE THEREOF						
WITH PRIOR APPROVAL OF THE FISCAL COMMITTEE,						
FOR THE BIENNIUM ENDING JUNE 30, 1989, THE						
VOCATIONAL-TECHNICAL COLLEGE IN CLAREMONT						
IS HEREBY AUTHORIZED TO SELL SAND, GRAVEL,						
EXCESS CORDWOOD, TIMBER, LOAM AND OTHER						
MATERIALS FROM CAMPUS PROPERTY AND TO USE						
THE INCOME THEREFROM TO MAINTAIN, REPAIR						
AND IMPROVE BUILDINGS, GROUNDS AND REC-						
REATIONAL FACILITIES FOR STUDENTS. THIS						
REVENUE SHALL NOT LAPSE NOR BE TRANSFERRED						
TO ANY OTHER STATE FUND.						
06 EDUCATION						
04 DEPT OF POST SECONDARY VOC EDUCATION						
07 VOC-TECH COLLEGE CLAREMONT						
02 VOCATIONAL TRAINING DIVISION						
STRIKE OUT					5,722	6,892
40 INDIRECT COSTS						

AMENDMENTS TO	PAGE	DATE	FISCAL YEAR 1988	FISCAL YEAR 1989
HB0300	164	05/01/87		
<div> <div>06 EDUCATION</div> <div>(CONT.)</div> <div>04 DEPT OF POST SECONDARY VOC EDUCATION</div> <div>(CONT.)</div> <div>07 VOC-TECH COLLEGE CLAREMONT</div> <div>(CONT.)</div> <div>02 VOCATIONAL TRAINING DIVISION</div> <div>(CONT.)</div> </div>				
INSERT IN PLACE THEREOF			5,722	
40 INDIRECT COSTS				6,892
TOTAL			115,263	117,422
<div>06 EDUCATION</div> <div>04 DEPT OF POST SECONDARY VOC EDUCATION</div> <div>07 VOC-TECH COLLEGE CLAREMONT</div> <div>03 PELL BASIC GRANT</div>				
STRIKE OUT				
41 AUDIT FUND SET ASIDE			265	265
INSERT IN PLACE THEREOF				
41 AUDIT FUND SET ASIDE			265	265
TOTAL			104,000	104,000
TOTAL			2372,453	2413,742
ESTIMATED SOURCE OF FUNDS FOR				
VOC-TECH COLLEGE CLAREMONT				
FEDERAL FUNDS			127,580	127,580
GENERAL FUNDS			1756,529	1795,659
OTHER FUNDS			488,344	490,503
TOTAL			2372,453	2413,742
<div>06 EDUCATION</div> <div>04 DEPT OF POST SECONDARY VOC EDUCATION</div> <div>08 VOC-TECH COLLEGE NASHUA</div> <div>01 TECHNICAL EDUCATION DIVISION</div>				
STRIKE OUT				
23 HEAT, ELECTRICITY & WATER			75,787	79,577
INSERT IN PLACE THEREOF				
23 HEAT, ELECTRICITY & WATER			75,787	79,577
STRIKE OUT				
40 INDIRECT COSTS			102,615	118,807

AMENDMENTS TO	PAGE	105	05/01/87		FISCAL YEAR 1988	FISCAL YEAR 1989
06 EDUCATION						
06 DEPT OF POST SECONDARY VOC EDUCATION						
08 VOC-TECH COLLEGE NASHUA						
01 TECHNICAL EDUCATION DIVISION						
				(CONT.)		
				(CONT.)		
				(CONT.)		
				(CONT.)		
INSERT IN PLACE THEREOF						
40 INDIRECT COSTS				E	102,615	118,807
STRIKE OUT						
47 OWN MAINT BLDGS & GROUNDS					200	
INSERT IN PLACE THEREOF						
47 OWN MAINT BLDGS & GROUNDS				G	200	
TOTAL					2134,656	2192,594
STRIKE OUT AFTER SOURCE OF FUNDS						
FOR THE BIENNium ENDING JUNE 30, 1989, THE						
VOCATIONAL-TECHNICAL COLLEGE IN CLAREMONT						
IS HEREBY AUTHORIZED TO						
SELL SAND, GRAVEL, EXCESS CORDWOOD, TIMBER,						
LOAM AND OTHER MATERIALS FROM CAMPUS PROPERTY						
TO USE THE INCOME THEREFROM TO MAINTAIN,						
REPAIR AND IMPROVE BUILDINGS, GROUNDS AND						
RECREATIONAL FACILITIES FOR STUDENTS. THIS						
REVENUE SHALL NOT LAPSE NOR BE TRANSFERRED TO						
ANY OTHER STATE FUND.						
INSERT IN PLACE THEREOF						
WITH PRIOR APPROVAL OF THE FISCAL COMMITTEE,						
FOR THE BIENNium ENDING JUNE 30, 1989, THE						
VOCATIONAL-TECHNICAL COLLEGE IN NASHUA						
IS HEREBY AUTHORIZED TO SELL SAND,						
GRAVEL, EXCESS CORDWOOD, TIMBER, LOAM AND						
OTHER MATERIALS FROM CAMPUS PROPERTY						
TO USE THE INCOME THEREFROM TO MAINTAIN,						
REPAIR AND IMPROVE BUILDINGS, GROUNDS AND						
RECREATIONAL FACILITIES FOR STUDENTS. THIS						
REVENUE SHALL NOT LAPSE NOR BE TRANSFERRED						
TO ANY OTHER STATE FUND.						
06 EDUCATION						
06 DEPT OF POST SECONDARY VOC EDUCATION						
08 VOC-TECH COLLEGE NASHUA						
02 VOCATIONAL TRAINING DIVISION						
STRIKE OUT						
40 INDIRECT COSTS					37,697	44,258

AMENDMENTS TO	PAGE	166	05/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
<b>06 EDUCATION</b>					
(CONT.)					
<b>04 DEPT OF POST SECONDARY VOC EDUCATION</b>					
(CONT.)					
<b>08 VOC-TECH COLLEGE NASHUA</b>					
(CONT.)					
<b>02 VOCATIONAL TRAINING DIVISION</b>					
<b>INSERT IN PLACE THEREOF</b>					
40 INDIRECT COSTS					
E				37,697	44,258
<b>TOTAL</b>				735,790	735,790
<b>06 EDUCATION</b>					
<b>04 DEPT OF POST SECONDARY VOC EDUCATION</b>					
<b>08 VOC-TECH COLLEGE NASHUA</b>					
<b>03 PELL BASIC GRANT</b>					
<b>STRIKE OUT</b>					
41 AUDIT FUND SET ASIDE					
D				500	500
<b>INSERT IN PLACE THEREOF</b>					
41 AUDIT FUND SET ASIDE				500	500
<b>TOTAL</b>				78,500	78,500
<b>TOTAL</b>				3021,717	3079,655
<b>ESTIMATED SOURCE OF FUNDS FOR</b>					
<b>VOC-TECH COLLEGE NASHUA</b>					
<b>FEDERAL FUNDS</b>					
<b>GENERAL FUNDS</b>					
<b>OTHER FUNDS</b>					
<b>TOTAL</b>				119,800	119,800
				1783,107	1841,035
				1118,810	1118,820
<b>TOTAL</b>				3021,717	3079,655
<b>06 EDUCATION</b>					
<b>04 DEPT OF POST SECONDARY VOC EDUCATION</b>					
<b>09 POLICE STRDS &amp; TRAINING COUNCIL</b>					
<b>01 ADMINISTRATION &amp; STANDARDS</b>					
<b>STRIKE OUT</b>					
23 MEAT, ELECTRICITY & WATER					
D				20,000	20,000
<b>INSERT IN PLACE THEREOF</b>					
23 MEAT, ELECTRICITY & WATER				20,000	20,000
<b>STRIKE OUT</b>					
40 INDIRECT COSTS				19,326	19,326





AMENDMENTS TO PAGE 168 05/01/87

(CONT.)  
(CONT.)

06 EDUCATION  
06 HIGHER EDUCATION FUND

----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

OTHER FUNDS		
TOTAL	149953,000	155542,000
	198693,000	209282,000
	330126,614	344578,414
TOTAL		
ESTIMATED SOURCE OF FUNDS FOR		
EDUCATION		
FEDERAL FUNDS	46521,410	47999,257
GENERAL FUNDS	101276,391	106322,714
OTHER FUNDS	182328,813	190256,443
TOTAL	330126,614	344578,414

AMENDMENTS TO  
HB0300 PAGE 169 05/01/87  
STATE SUMMARY

----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

TOTAL  
ESTIMATED SOURCE OF FUNDS FOR

	1315963,104	1349907,355
FEDERAL FUNDS		
GENERAL FUNDS	316599,461	302942,158
HIGHWAY FUNDS	534689,644	562418,923
FISH AND GAME	142526,117	145140,705
OTHER FUNDS	5192,915	5628,792
	316954,967	333776,777

## Amendment to HB 300-A

- 170 -

Doc. 2754B

Amend the bill by replacing all after section 1 with the following:

## GENERAL SECTIONS

2 General Fund and Total Appropriation Limits. The amount included in PAU 06,06 (higher education fund) under estimated source of funds from general fund shall be the total appropriation from general funds for such PAU that may be expended for the purpose of section 1 of this act. Any funds received by said agency from any other source than general funds in excess of the estimate of funds from other than general funds are hereby appropriated for the use of the agency and may be expended by it whether or not this will result in an appropriation and expenditure by the agency in excess of the total appropriation therefor. (GB2, HB 2, HA 2, SF 2)

## 3 Fish and Game Department.

I. The comptroller, in a form acceptable to him, shall require the executive director of the fish and game department to prepare a listing of all claims against available federal funds allocated to the fish and game department as of June 30, 1987, to be submitted to the comptroller no later than July 10, 1987. All claims listed shall be reviewed by the department of administrative services and compared to the records maintained at the fish and game department to insure that all direct and applicable indirect federal participating expenditures through June 30, 1987, have been included. All federal project records shall be completely up to date at all times, and billings for federal reimbursements shall be made on a timely basis. A federal project status report, as prescribed by the comptroller, shall be submitted quarterly -- on October 10, January 10, April 10 -- to the department of administrative services for review. The

## Amendment to HB 300-A

- 171 -

comptroller shall report his findings and recommendations as to the status of the federal funds and related appropriations to the fiscal committee of the general court within 40 days after the close of each quarter.

II. Prior to closing the state accounts for each fiscal year, the comptroller shall adjust for federal revenue in the fish and game fund. All unrecorded prior year reimbursements from federal funds shall be deposited into the fish and game fund. (GB3, HB 3, HA 3, SF 3)

4 Emergency Appropriations for Motor Vehicle Replacement.

I. It is hereby declared to be the intent of the general court that the appropriations made by section 1 of this act shall be sufficient to meet the requirements of each department, institution, board, commission, or other agency for motor vehicles of a gross vehicle weight of 3 tons or less or replacements thereof. In the event, however, that any department, institution, board, commission, or other agency, after consultation with the director of plant and property management and the fiscal committee, finds that the cost of repair to any such motor vehicle is prohibitive and that it would cause an extreme hardship for said department, institution, board, commission, or other agency to operate without such motor vehicle, the chief executive of said department, institution, board, commission, or other agency shall request the governor with the approval of the council for authority to expend the sums needed for a replacement vehicle. For the purposes of this section, each replacement vehicle shall be a subcompact front wheel drive vehicle unless the fiscal committee determines upon application of the department, institution, board, commission, or other agency that there is a clear and convincing need to replace such a vehicle with some other type of vehicle. There is hereby appropriated for said

## Amendment to HB 300-A

- 172 -

purpose the sum of \$200,000 for the biennium ending June 30, 1989. The sums appropriated shall not be transferred or expended for any other purpose. The governor is authorized to draw his warrants for said sums, which shall be a charge against the general fund.

II. For the fiscal years ending June 30, 1988, and June 30, 1989, the governor is authorized to draw his warrants for any authorized replacement requested by a special fund agency, which shall be a charge against the appropriate fund.

III. The provisions of this section requiring each replacement vehicle to be a compact or subcompact vehicle shall not apply to the department of safety law enforcement traffic control vehicles. (GB5, HB 5, HA 4, SF 4)

## 5 Parks Division.

I. For the biennium ending June 30, 1989, the commissioner of resources and economic development may, with the prior approval of the fiscal committee and with the approval of the governor and council, utilize up to \$250,000 of the projected revenue for each fiscal year to effectively operate the parks division and insure the maximization of revenue.

II. Actual revenue received in excess of \$5,400,000 parks income each year adjusted by amounts appropriated in other sections of the biennial budget act, and such funds as may be utilized in accordance with paragraph I, shall be carried over to the following year for the purpose of maintenance projects within the parks system in an amount not to exceed \$250,000 per year. Funds may be used only with the prior approval of the fiscal committee and with the approval of the governor and council for necessary maintenance projects.

## Amendment to HB 300-A

- 173 -

III. The division of parks with the approval of the commissioner, department of resources and economic development, may provide for differentials in rates on a case by case basis in a particular day or limited period when the quality of the facility is substantially reduced due to such natural causes as poor snow, ice conditions, cold, rain, or other environmental or equipment problems or for the purpose of cooperative marketing or market experimentation. (GB6, HB 6, HA 5, SF 5\*)

6 Department of Postsecondary Vocational-Technical Education. It is the intent of the general court that the department of postsecondary vocational-technical education be thoroughly responsive to the needs of business and industry in providing needed technical education and vocational training in the most cost effective, efficient, and timely manner possible. For the biennium ending June 30, 1989, the commissioner of the department of post-secondary vocational-technical education is hereby authorized to:

I. Accept and expend any recovery made of the matching share of the work-study program in order to earn additional federal funds.

II. Upon prior approval of the board of governors and the fiscal committee, transfer or eliminate instructional programs as student, business, and geographic area needs change, as well as transfer such associated personnel, equipment, and instructional appropriations between and among the several functional units within the department in order to provide the necessary flexibility to enable the department to respond rapidly to changing needs for technical education and training in the market place. (GB 7, HB 7\*, HA 6, SF 6\*)

## Amendment to HB 300-A

- 174 -

7 Assignment of Office Space. If during the biennium ending June 30, 1989, because of program reductions, consolidations, or any other reason, office space becomes available in the health and human services complex, the Hayes building, or any other state building, except office space under the control of the legislature pursuant to RSA 14:14-b, the commissioner of administrative services shall, with the prior approval of the fiscal committee, and with the approval of the governor and council, require that any agency renting private space be required to occupy such available space in said building or buildings forthwith. Such funds as have been allotted or committed by any agency affected by this section for outside rental shall be transferred by the comptroller to the bureau of general services, PAU 01,04,05,05,01 for the maintenance of state buildings. (GB8, HB 8, HA 7, SF 7)

8 Teacher Certification. For the biennium ending June 30, 1989, the state board of education is hereby authorized to expend, in accordance with RSA 186:11, X, any existing balance and any funds which may become available during the biennium in PAU 06,03,04,04,01. Such expenditures, to be made as necessary for the efficient operation of said office, shall not require the expenditure of state general funds and, further, shall be subject to the prior approval of the fiscal committee and the approval of the governor and council. (GB9, HB 9, HA 8\*, SF 8)

9 Sweepstakes Commission; Authority Granted. For the biennium ending June 30, 1989, in order to provide sufficient funding to the sweepstakes commission to carry out sweepstakes programs that will provide funds for



## Amendment to HB 300-A

- 175 -

distribution in accordance with RSA 284:21-j, the commission shall apply to the fiscal committee of the general court for approval of any new sweepstakes programs or for the purchase of any tickets for new or continuing games. The commission is authorized to transfer up to \$25,000 per quarter for any sweepstakes current expense item upon subsequent notification within 10 days to the fiscal committee and the governor and council citing the reasons and justification therefor. Additionally, no expenditures shall be contracted without prior approval by the fiscal committee. If approval of any such new program, purchase of tickets or consulting services is given, the commission may then apply to the governor and council to transfer funds from the sweepstakes revenue special account. The total of such transfers shall not exceed \$3,000,000 for the biennium ending June 30, 1989. (GB 10, HB 10\*, HA 9, SF 9\*)

10 Positions Abolished. The following positions in the below listed components and sub-components are abolished forthwith effective at the close of business on June 30, 1987, or later as specifically indicated:

<u>Budget Number</u>	<u>Position Numbers</u>
02-13-04-02	13962, 30466, 30481, 13943, 13982, 13989, 14047, 14064, 14084, 14090, 14092, 14102, 14110, 14120, 14143, 14192, 14226, 30465, 30471, 30479, 30482, 30498, 30500.
03-01-03-01-00	13920.

## Amendment to HB 300-A

- 176 -

04-01-03-06-00 17203, 17209, 17210, 17211, 17213, 21300, 21457,  
21564, 21775.

04-01-03-05-00 , 17224, 17244, 17245, 21439.

05-02-02-02-03 14677, 30560, 14834, 14730.

05-02-05-01-02 15362.

05-02-05-01-07 15234, 30697, 30717, 30719, 30721, 15186.

05-02-05-01-03 15132, 15200, 15221, 30720.

05-02-05-03-02 Positions to be abolished at close of business  
June 30, 1988: 15484, 15477, 15450, 15528, 30796,  
17167, 15511, 15482.  
Positions to be abolished at close of business  
June 30, 1989: 15485, 15508, 15500.

05-02-05-03-03 Positions to be abolished at close of business  
June 30, 1988: 15490, 15499, 17158, 15458, 15527,  
15465, 15268, 30785, 15033, 15043, 15047, 15047,  
15087, 15135, 15178, 15284, 15298, 15353, 15376,  
15040, 15216, 15267, 15277, 15288, 30639, 15170,  
15247, 15142, 15163, 15442, 15172, 30730, 30740,  
30780, 15359, 15408, 15004, 15055, 15072, 15074,  
15187, 15249, 15264, 15301, 15323, 15366, 30659,  
15021, 15035, 15048, 15060, 15094, 15114, 15122,  
15137, 15188, 15189, 15207, 15214, 15237, 15259,  
15285, 15287, 15358, 15564, 30604, 30609, 30661,  
30682, 30691, 30693, 30708, 30722, 15071, 15233,  
15290, 15386, 15432, 15613, 15332, 15347, 15388,  
30662, 15219, 15311, 15365, 15405, 15295, 15349,

## Amendment to HB 300-A

- 177 -

15614, 15073, 15518, 15061, 15159, 15027, 15016,  
15166, 15407, 15443, 15563, 9u237, 9u238, 9u239,  
9u240, 15385, 15444, 15129, 15303, 15463, 15300,  
15304, 15063, 15158, 15229, 15354, 30687, 15434,  
15279, 15076, 15404, 15068, 15240, 15399, 15067,  
15438, 15315, 15269, 15329, 15083, 15177, 15253,  
15416, 15381, 15321, 30729, 15050, 15334, 15092,  
15182, 15263, 15435, 15446, 15280, 30648, 15143,  
30784, 15130, 15199, 15313, 15591, 15013, 30620,  
15204, 15242, 15039, 15149, 15206, 15343, 30611,  
15046, 15379, 30755, 15299, 15387, 15151, 15220,  
15350, 30612, 15383, 15205, 15571.

Positions to be abolished at close of business

June 30, 1989: 15015, 15058, 15257, 15136, 15320,  
15355, 15191, 15294, 15215, 30725, 15193, 15552,  
15373, 15183, 15217, 30606, 15328, 15141, 15224,  
30686, 15112, 15411, 15227, 30709, 30703, 15070,  
15250, 15025, 15309, 15081, 15255, 15213, 30700,  
15157, 15260, 15419, 15390, 15180, 15275, 15133.

05-02-05-03-01

Positions to be abolished at close of business

June 30, 1988: 15484, 15477, 15533.

Positions to be abolished at close of business

June 30, 1989: 15508, 15500.

## Amendment to HB 300-A

- 178 -

05-02-05-03-04      Positions to be abolished at close of business  
June 30, 1988: 15548, 15580, 15593, 15599, 15625,  
15640, 15655, 15633, 15650, 15684, 15659, 15639,  
15546, 15557, 15584, 15674, 15643, 15672, 15683,  
15578, 15592, 15608, 15610, 15621, 15644, 15667,  
15681, 15685, 30765.  
Positions to be abolished at close of business  
June 30, 1989: 15622, 15648, 15556, 15618, 15682,  
30766.

05-02-05-03-05      Positions to be abolished at close of business  
June 30, 1988: 17169, 17170, 15603, 15601, 15653,  
15652, 15686, 15590.

05-02-05-03-06      Positions to be abolished at close of business  
June 30, 1988: 30592, 15609, 15668, 15645, 15634,  
9u241, 9u242, 9u243, 9u244.

05-02-04-04-05      12293, 12339, 12434, 30326, 12473, 12320, 12414.

06-01-02-00-00      30412.

06-03-03-01-03      30371.

06-03-04-01-06      16936.

06-03-04-01-04      13186.

06-04-07-01-00      13658.

06-04-08-01-00      17018, 13711, 13710, 13701.

06-03-05-05-01      30397, 30404, 30400, 30396, 30403, 30399, 30389,  
30401, 30398, 30385, 30384, 30380, 30369.

## Amendment to HB 300-A

- 179 -

## Workers Rehab. Program

- Not Budgeted: 13253, 30390, 30393, 30392.

## Teacher Training

- Handicap

- Not Budgeted: 16949.

(GB11, HB11\*, HA 10, SF 10\*)

11 Attorney General; Special Provision. For the biennium ending June 30, 1989, filing fees received by the attorney general pursuant to RSA 7:28-a shall be deposited with the state treasurer as restricted revenue; and any excess of such revenue over the amounts appropriated for the division of charitable trusts shall lapse to the unappropriated surplus of the general fund. Expenditures from this fund shall not be made except by appropriation by the general court. (GB13, HB 13, HA 11, SF 11)

12 Appropriation of Unrestricted Motor Vehicle Revenue. All sums received by the division of motor vehicles or the division of state police, department of safety, from any source, which are not derived from registration fees, drivers' licenses, gasoline road tolls or any other special charges or taxes with respect to the operation of motor vehicles or the sale or consumption of motor vehicle fuels, including revenue received from fines and forfeitures assessed against any violator of any law of the state or of any political subdivision thereof relative to the use and operation of motor vehicles, whether the violator is apprehended or prosecuted by an employee of the state or any political subdivision thereof, shall be paid to the state treasurer and shall, for the biennium ending June 30, 1989, be available for expenditure as unrestricted general fund revenues of the state. (GB14, HB 14, HA 12, SF 12)

## Amendment to HB 300-A

- 180 -

13 Appropriation; Negative Balances. There is hereby appropriated to the department of administrative services in addition to any other sums appropriated for the fiscal year ending June 30, 1988, the sum of \$447,802.69 from the general funds of the state and \$13,186.03 from fish and game funds for the sole purpose of satisfying negative balances due to federal audit exceptions and non-recoverable items which have developed over the past several years in the following listed accounts:

010-002-1203	\$ 53.95	010-046-5745	\$ 7,841.03
010-002-1204	21,770.93	010-046-5747	121.54
010-002-4030	5,124.95	010-046-5748	143.60
010-002-7704	295,689.75	010-046-7040	914.93
010-026-6230	322.21	010-046-7090	418.04
010-026-7010	1,252.53	010-046-7091	.09
010-040-7406	2,284.00	010-046-7092	15.44
010-081-2842	2,079.63	010-046-7108	11.03
020-075-2307	13,186.03	010-046-7134	633.09
010-020-2443	4,619.04	010-046-7135	19.12
010-088-2745	2,224.29	010-046-7136	51.49
025-088-8034	1,046.88	010-046-8253	1,262.43
010-090-4519	824.50	010-046-8281	.30
010-090-5114	238.00	010-046-8282	5.78
025-090-4532	150.00	010-046-8283	79.14
025-090-5520	493.03	010-046-8285	22.21
025-090-5553	31,745.41	010-046-8286	1,312.22
010-090-5140	25,615.00	010-046-8287	2,399.06
010-036-3854	45.32	010-033-3800	25,050.00
010-012-2233	11,922.73	(GB16, HB 16, HA 13, SF 13)	

## Amendment to HB 300-A

- 181 -

## 14 Department of Corrections.

I. The department of corrections is budgeted based on a projected prisoner population of 825 in fiscal year 1988 and 900 in fiscal year 1989. In the event that the total resident prisoner population exceeds 875 during fiscal year 1988 or exceeds 950 in fiscal year 1989 the commissioner of corrections may request, with prior approval of the fiscal committee, that the governor and council authorize additional incremental funding per additional prisoner for the balance of the fiscal year based on an annual per capita cost of \$9,000 in order to provide for the safe and humane operation of the state prison.

II. In the event that a female offender facility is established, the commissioner of corrections may request, with prior approval of the fiscal committee, that the governor and council authorize funding to provide for the safe and humane operation of the female facility.

III. The governor is authorized to draw the warrant for such sums as may be required in paragraph I and II from any money in the treasury not otherwise appropriated. (GB17, HB 17, HA 14, SF 14)

## 15 Bond Issue Authorized.

I. To provide funds for the purpose of construction and reconstruction of highways, the state treasurer is hereby authorized to borrow upon the credit of the state in a sum not exceeding \$15,000,000 for the biennium ending June 30, 1989, and for that purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The interest and principal due on bonds or notes issued under this section shall be a charge on the highway fund. The moneys provided in this section shall be a continuing appropriation and shall not lapse.



Amendment to HB 300-A

- 182 -

11. The bond authorization in paragraph I shall not become effective during the biennium unless the legislative estimate of highway fund unrestricted revenues, as determined by the advisory budget control committee, is less than the estimate of highway fund unrestricted revenues contained in this act. (GB18, HB 18\*, HA 15, SF 15)

16 Department of Education. The funds remaining in PAU 06-03-02-03 special initiatives programs 1985 Chapter 406 shall not lapse until June 30, 1989. (GB20, HB 20, HA 16, SF 16)

17 Fish and Game Equipment; Appropriation. There is hereby appropriated to the fish and game department, in addition to any other sums that may be appropriated, the sum of \$19,000 for fiscal year 1988 and \$156,000 for fiscal year 1989 for the purposes of purchasing equipment for the Durham and Lancaster regional offices and the Concord office. These funds shall not be transferred or used for any other purpose. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated. (HB 22, HA 18, SF 17)

18 Lapse to Highway Fund. On June 30, 1987, the balance in the reflectorized plate inventory fund account number 15-23-8106 shall lapse to the highway fund. (SF 18)

19 Study Committee; Indigent Defender Program. The indigent defender program study committee is hereby established to study the indigent defender program, including, but not limited to, its cost effectiveness and efficiency. The committee shall consist of the following members: one member of the senate finance committee appointed by the chairman of the senate finance committee; one member of the house appropriations committee

## Amendment to HB 300-A

- 183 -

appointed by the chairman of the house appropriations committee; one member of the senate judiciary committee appointed by the senate president; and one member to be appointed by the governor. The committee shall prepare a written report on its efforts to the president of the senate, the speaker of the house, and the governor by December 1, 1987. The administrative office of the courts, the department of administrative services, the judicial council and all agencies and institutions of state government shall cooperate with the study committee and provide such assistance as the committee may require, except that the committee may not require the presentation of information which is protected by law from disclosure. In addition to such assistance received from state agencies, the study committee may contract for professional services as necessary within the limits of the funds available for such services. The sum of \$25,000 is hereby appropriated to the study committee for the biennium ending June 30, 1989. The governor is authorized to draw his warrant for said sum, which shall be a charge against the general fund. (SF 19)

20 Limitation on Leases. Any lease or rental agreement, other than on real property, any maintenance contract or service contract, or any consultant agreement relating to data processing, whose terms extend beyond June 30, 1989, or require more funds for the biennium than are appropriated for that purpose for the biennium, or exceed \$10,000 annually, shall require prior approval by the fiscal committee. (SF 20)

21 Police Standards and Training Council. In case increased enrollment makes necessary the expenditure of additional funds by the police standards and training council over budget estimates in order to meet mandated

## Amendment to HB 300-A

- 184 -

training requirements, the legislative fiscal committee, with the concurrence of the governor and council, may authorize the police standards and training council to transfer unappropriated penalty assessment funds to operating accounts for such purposes. (SF 21)

## 22 Special Initiatives Program.

I. There is hereby appropriated for the fiscal year ending June 30, 1987, to the special initiatives program, office of the commissioner, department of education, the following sums: \$2,450,000 to elementary-secondary initiatives; \$250,000 to the Christa McAuliffe memorial fund; and \$500,000 to educational management initiative. The funds in this appropriation shall not be transferred or expended for any other purpose and shall not lapse until June 30, 1989. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

II. The funds appropriated to the Christa McAuliffe memorial fund in paragraph I shall be used for the purposes of the Christa McAuliffe sabbatical program which provides a 10 month sabbatical to an eligible New Hampshire teacher. The recipient of such sabbatical shall be required to meet all the qualifications of such program. (SF 22)

## 23 Estimates of Unrestricted Revenue.

GENERAL FUND	1988	1989
Beer	12,400,000	12,800,000
Board & Care	16,700,000	16,500,000
Business Profits Tax	142,000,000	145,000,000
Estate & Legacy Taxes	17,000,000	17,000,000
Insurance	33,000,000	34,800,000

## Amendment to HB 300-A

- 185 -

Interest & Dividends Tax	27,600,000	28,500,000
Liquor	47,000,000	47,000,000
Meals and Rooms Taxes	76,000,000	83,000,000
Parks Income	5,400,000	5,400,000
Dog Racing	8,190,000	8,190,000
Horse Racing	1,010,000	1,510,000
Real Estate Transfer Tax	38,400,000	40,000,000
Telephone	8,000,000	8,000,000
Tobacco	31,000,000	30,000,000
Utilities	6,700,000	6,900,000
Other	30,420,000	31,620,000
Courts	19,900,000	21,000,000
Savings Bank Tax	8,500,000	8,800,000
Total	529,220,000	546,020,000
HIGHWAY FUND	1988	1989
Gasoline Road Toll	81,800,000	85,100,000
Motor Vehicle Fees	46,500,000	48,000,000
Miscellaneous	3,000,000	3,000,000
Total	131,300,000	136,100,000
FISH AND GAME FUND	1988	1989
Fish and Game Licenses	4,200,000	4,400,000
Fines and Penalties	50,000	60,000
Miscellaneous Sales	120,000	120,000
Indirect Costs	150,000	160,000
Total	4,520,000	4,740,000

(GB21, HB 21\*, HA 17\*, SF 23\*)

Amendment to HB 300-A

- 186 -

24 Effective Date.

I. Section 22 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 1987.

Roll Call requested by Senator Hough.

Seconded by Senator Hounsell.

Those in favor: Senators Bond, Hounsell, Freese, Hough, Dupont, Disnard, Roberge, Blaisdell, White, Pressly, Nelson, McLane, Poldes, Stephen, Bartlett, St. Jean, Torr, Delahunty, Preston and Krasker.

Those opposed: Senators Heath, Chandler, Charbonneau and Johnson.

20 Yeas

4 Nays

Amendment Adopted. Ordered to Third Reading.

SENATOR BARTLETT: I would like to personally thank the members of Finance, members of the LBA and I'd also like to thank all the members of the Senate because I think your questions were very good today. These were reasonable questions and I hope the answers that you received were satisfactory. In response to Senator White's question, the Senate will certainly do it's best to uphold the Senate position. We're all aware of committees of conference are committees of conference, sometimes there are adjustments to be made. I think overall that the spending level which has been set by this body is reasonable with the expected incomes and revenues for the coming years. I don't think any of us kidded ourselves when we thought the serious years were 88 and 89. If we really look at life, the serious years are 90 and 91, 92 and 93 when we have no guarantee that the revenues are going to continue to grow. It's just like someone getting a pay check with an extra \$50 and think that \$50 is going to come every week. I think that this Finance committee, and the LBA assisting them, were able to bring forth a budget and a spending level, which we'll be able to sustain without cutting programs in the future. Again I thank you all for the work that you have done.

### SUSPENSION OF THE RULES

Senator Blaisdell moved to suspend the rules of the Senate to put HB 300-A on Third Reading and Final Passage at the present time.

Adopted.

## Third Reading and Final Passage

HB 300-A, Making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1988 and June 30, 1989.

Adopted.

Recess

Out of Recess

## COMMITTEE REPORTS

HB 100-A, An act making appropriations for capital improvements. Ought to Pass with Amendment. Senator Torr for the Committee.

SENATOR TORR: Before I actually get into HB 100, I'd like to thank the Capital Budget Committee made up of Senators Chandler, Roberge, Nelson, Hounsell, White, Preston and Krasker for their hard work.

We used HB 100 as a vehicle to address engineering cost only. We stripped everything from the bill. We were too late in the game to use it as a fast track that should have occurred early in March, so we turned it around and used it at our advantage, we believe. We also added all the lapses that would be occurring in this biennium, that needed to be extended.

If I may, and if you will, turn in Calender # 38, bottom of page 4. It tells you what we've done. We've provided for engineering costs for five facilities. Four of those occurring at the New Hampshire hospital. Rather than breaking them down into individual costs, which gives the engineering people the ability to zero in on a price to come in with, we've lumped them together. The cost for those five projects would be \$975,000. We further made a notation, which is in the paragraph immediately below those listed projects, that all of those projects would come before the committee for approval before they are let. One of the purposes of this is to have a master plan for the New Hampshire hospital. As it's happened in the past, there is no game plan as to what is occurring up there. Space available is just allocated out with no means or rhyme or reason to it. We need to have some sort of game plan occurring, so we know what's available and how it's going to be used and address the full needs of the State of New Hampshire, not just individual needs as they occur.



We have pulled out items that I will address in HB 200 at a later point. I would ask your concurrence with my presentation at this point.

#### AMENDMENT TO HB 100-A

1 Appropriation; Department of Transportation. The sum of \$975,000 is hereby appropriated to the department of transportation for the biennium ending June 30, 1989, for the design and construction documents for the following projects:

- I. Brown Building - ICF renovations - New Hampshire hospital.
- II. Johnson Hall - New Hampshire hospital.
- III. Medical Examiner Lab Facility.
- IV. Spaulding Hall - New Hampshire hospital.
- V. Walker Building - New Hampshire hospital.

The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated. No funds from this appropriation shall be expended, encumbered, or obligated in any way for the purposes of paragraphs I, II, IV, and V until the department of transportation and department of administrative services jointly submit to the capital budget overview committee a comprehensive action plan for the future use of the New Hampshire hospital buildings and grounds and receive the committee's approval. No funds from this appropriation shall be expended, encumbered, or obligated in any way for the purposes of paragraph III until the department of transportation and the attorney general jointly submit to the capital budget overview committee a plan outlining the site and possible uses for the medical examiner lab facility and receive the committee's approval.

2 Expenditures; General. The appropriation made for the purposes mentioned in section 1 and the sum available for these projects shall be expended by the commissioner of the department of transportation; provided that all contracts and projects and plans and specifications thereof shall be awarded in accordance with the provisions of RSA 228.

3 Lapse Date Extended; Department of Resources and Economic Development. The appropriations made to the department of resources and economic development in 1985, 409:1, IX, A, for renovations and improvements at Mount Sunapee and Cannon Mountain; 1985, 409:1, IX, B, for marine repairs, dredging - Hampton, Portsmouth and Rye harbors; and 1985, 409:1, IX, G, power and water at the state campgrounds, are hereby extended to June 30, 1989.

4 Lapse Date Extended; Department of Health and Human Services. The appropriations made to the department of health and human services by the following are hereby extended to June 30, 1989:

I. 1985, 409:1, VI, E, boiler breeching replacement - YDC.

II. 1985, 409:1, VI, F, safety improvements - Friendship house - Manchester.

III. 1985, 409:1, VI, G, smoke detectors - YDC.

5 Lapse Date Extended; Youth Development Center; Approval of Capital Budget Overview Committee Required.

I. The following appropriations to the youth development center are hereby extended to June 30, 1989:

(a) 1983, 423:1, X as amended by 1985, 44:20 and 1985, 44:21, priority maintenance projects.

(b) 1981, 565:20, V as amended by 1982, 38:16 and 1985, 44:20 and 1985, 44:21, renovations to King and East Cottages.

II. No expenditures shall be made by the youth development center from the appropriations extended for the projects specified in subparagraphs I(a) and (b) without the prior approval of the capital budget overview committee.

6 Lapse Date Extended; State Veterans Home. The lapse date for 1985, 409:1, XI, B, site evaluation for state veterans cemetery, is hereby extended to June 30, 1989.

7 Lapse Dates Extended; Department of Administrative Services.

I. The lapse date for 1985, 44:1, IV, A and B as amended by 1986, 211:30, purchase and enhancements of the federal district courthouse - Littleton, and purchase and enhancement of federal post office, N. Main St., Rochester, is hereby extended to January 1, 1988.

II. The lapse date for 1985, 409:1, II, A, major alterations to the health and welfare building, is hereby extended to June 30, 1989.

8 Lapse Date Extended; Liquor Commission. The lapse date for 1985, 409:1, VII, C, computer system enhancements, is hereby extended to June 30, 1989.

9 Lapse Date Extended; Supreme Court. The lapse date for 1985, 44:1, III, for the superior court - Nashua, design and engineering, is hereby extended to June 30, 1989.

10 Lapse of Available Balances; Sugar River Watershed Site C-9 Accounts.

I. The available balance of \$1,045,000 in federal funds and \$143,417.46 in state funds in the appropriation made by 1979, 435:1, XII, B as amended by 1981, 565:15, III and 1985, 400:5, I(a), for the

construction of Sugar River watershed site C-9, a flood retarding and wildlife impoundment, shall lapse on the effective date of this section.

II. The available balance of \$3,650 in federal funds and \$628,550 in state funds in the appropriation made by 1983, 423:1, VII as amended by 1985, 400:5, I(b), for the Sugar River watershed site C-9, a flood retarding and wildlife impoundment, shall lapse on the effective date of this section.

11 Lapse Date Extended; Aeronautics Commission. The lapse date for 1983, 4:10 as amended by 1985, 400:5, III (c), for the Lebanon Airport runway extension, is hereby extended to June 30, 1989.

12 Lapse Date Extended; Department of Safety. The appropriations made to the department of safety by the following are hereby extended to June 30, 1989:

I. 1985; 409:3, I, A, addition and new roof, Hayes building - Concord.

II. 1985; 409:3, I, B, new troop station - Milford.

III. 1985; 409:3, I, C, garage, troop A - Epping.

IV. 1986; 211:32, II, III, IV, and V repairs and renovations to the Glendale boathouse and repair to docks.

13 Effective Date. This act shall take effect upon its passage.

Amendment Adopted. Ordered to Third Reading.

HB 200-A, An act making appropriations for capital improvements. Ought to Pass with Amendment. Senator Torr for the Committee.

SENATOR TORR: I'd like to walk you through what we've done in HB 200. We removed \$647,000 for the Spaulding Building at New Hampshire hospital. Basically, what we left in, which was placed in 100, was the design cost. We added \$370,000 for the safety building, the Hayes Building in the Milford Substation. This is the same subject material covered in SB 12, which the Senate passed earlier on in the session. We reduced \$925,000 for the medical examiner lab, down to \$75,000, which was the design left in HB 100. We reduced \$816,000 for the TCF furnishings. This is at the new psychiatric unit. We felt that it was sufficient funds even after the reduction to take care of the furnishings. We reduced and moved to Transportation \$20,000. This is for a gas tank at the New Hampshire hospital. What we're attempting to do is tie them into the Transportation system whereby it's computerized and there is a record kept of the use of gasoline by the State of New Hampshire personnel. We reduced

\$280,000 within the New Hampshire Technical Institute in Concord and that's the cafeteria that was specifically taken out. We reduced \$100,000 from the New Hampshire Vocational-Technical College in Manchester and that was a roof which was deleted. We reduced \$1,370,000 DRED at the Peabody Lodge. It was decided by the committee that, until we know where we're going with our two ski areas, there's no need of spending money in those areas. We reduced \$100,000 for the underground tank and this was a request by the department. We reduced \$200,000 for the dam maintenance fund. I believe the request was for \$700,000, so that still leaves \$500,000 to address the issues of dams in the State of New Hampshire. We reduced \$985,000 of the Winnepesaukee River Flood Control project. The testimony was extremely strong in doing away with this project and the feeling of the committee was that further down the road the cost was going to be extremely high. We reduced \$280,600 from the New Hampshire Public Television new equipment. This was a low priority item, we addressed the issues in priority order as requested by the New Hampshire Public Television. We further reduced the New Hampshire Public Television by \$249,250, this was a control room. We reduced \$100,000 from the Safety Department, radio study. We felt that there was sufficient money in the Safety Department's budget to address this issue.

We added \$15,900 to the Department of Transportation, this is the issue of the gas tank monitoring which occurred in the New Hampshire hospital facility. We added \$250,000 for the Fish and Game. This is to meet the contract short fall. The contract came in over bid and this will address that issue. We added \$322,400 for the Alcohol and Drug Abuse Center at the Spaulding Building in Laconia. This is consistent with the action that we took on HB 219, providing for a rehabilitation center. We added \$90,000 for DRED for fuel service facilities. This is at Hampton and at Rye Harbor. We added \$550,000 for the Hampton Beach bathhouse. This is to complete the facility and the furnishings. We added \$640,000 for DRED Odiorne Point. I might point out, of that \$640,000, \$400,000 would be matching by private sector. We added \$27,500 for the Aeronautics Commission at Sky Haven. This is to complete a hanger floor and add an apron. We added one million dollars for Transportation, Routes 9 and 155 Dover. This was a bill that passed this body in its assurance.

We reduced \$400,000 from the New Hampshire hospital computer program. We've addressed the computer program before and I believe you know our philosophy. We added \$50,000 for the Rye Harbor dredging. There's a short fall in the appropriations. There was need

to be \$400,000 and this will complete that and give the ability to proceed forward. We added \$850,000 for the Nashua Bridge design. What this does is it prepares for preliminary engineering and a soil study for the location of that. We added 2.2 million dollars for the Derry by-pass preliminary design. We added \$1.00 for LOB repair, so that we would have some means of addressing that issue if it wasn't addressed in any other bill.

What this gives you is a total expenditure of \$78,474,701. The bottom line: Bonding, General Funds - \$34,525,000. Federal Funds - \$13,716,000. Bonds, Highway - \$3,895,000. Other funds - \$782,500. Fish and Game - \$75,000. General Funds - \$24,298,719. Bonds, other - \$27,500.

On behalf of the committee, I would recommend ought to pass.

SENATOR HOUNSELL: I've been trying to keep track of a lot of different figures and I think it's important that we might consider these and I don't present them as being actual. It's my understanding of what the situation may be. It appears that certain projections say that we're going to have a \$75 million surplus and that \$25 million of that will be going into the rainy day or the revenue stabilization fund. Another twenty, this body has decided, should go to the land trust and then this budget that's before you puts \$24 million into the one-time expenses for these capital improvements. That's a total of \$69 million of the surplus. I rise in strong support of that. I think that's a very concrete way that we can be putting back to the taxpayers their money and putting them into capital expenses and programs that's a one time shot. For that reason I endorse the Capital Budget HB 200 at this time.

SENATOR NELSON: I would just, at this time, commend Senator Torr and the committee for the long hours that they put in to studying this budget, for looking at every project and for having such an open process. I also rise in support of this Capital Budget. We've done somethings in putting costs together for design and I think in the long run, in some of these projects, we'll save money for the State. Thank you.

#### AMENDMENT TO HB 200-A

Amend the bill by replacing all after the enacting clause with the following:



1 Appropriation. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies and branches named:

I. Department of Corrections

A. Phase IV-B prison	\$17,025,000
Total paragraph I	\$ 17,025,000

II. Judicial Branch

A. Hillsborough county courthouse - corner of Spring St. and Pearl St. in Nashua - construction	\$ 7,500,000
Total paragraph II	\$ 7,500,000

III. Port Authority

A. Dredging of Portsmouth Harbor and the Piscataqua River	\$18,700,000
Less federal	-14,000,000
Net appropriation paragraph III	\$ 4,700,000
Total state appropriation paragraph III	\$ 4,700,000

(The appropriation for the water improvement project in paragraph III, A shall be used to widen the maneuvering area between the 2 vertical lift bridges from 600 feet to a maximum of 1,000 feet; widen by 100 feet the northern limit of the channel adjacent to Badgers Island; and widen the southern limit of the channel at the eastern end of Goat Island southeast of Henderson Point from 400 to 550 feet. Section 24 of this act contains additional costs associated with this project.)

Total state appropriation section 1	\$ 29,225,000
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2 Appropriation; University System of New Hampshire. The sum hereinafter detailed is hereby appropriated for the project specified:

I. University of New Hampshire

A. Field house - renovations and addition	\$ 3,800,000
Total state appropriation paragraph I	\$ 3,800,000
Total state appropriation section 2	\$ 3,800,000

3 Appropriation; Department of Transportation. The sums hereinafter detailed are hereby appropriated for the projects specified:

I. Department of Transportation

A. Statewide fuel program	\$525,000
B. CAD/D Phase II	<u>\$600,000</u>
Total state appropriation paragraph I	\$ 1,125,000
Total state appropriation section 3	<u>\$ 1,125,000</u>

(The appropriation made in section 3, I, A shall include the replacement of a 10,000 gallon fiberglass gasoline tank at the New Hampshire hospital which shall become a component of the statewide fuel program.)

4 Appropriation; Police Standards and Training Council. The sum hereinafter detailed is hereby appropriated for the project specified:

I. Police Standards and Training Council	
A. Design and construction -	\$570,000
Academic wing addition	<u>                    </u>
Total appropriation paragraph I	<u>\$570,000</u>
Total state appropriation section 4	<u>\$570,000</u>

5 Appropriation; Fish and Game. The sum hereinafter detailed is hereby appropriated for the project specified:

I. Fish and Game	
A. Rearing pond and raceway covers	<u>\$75,000</u>
Total state appropriation paragraph I	<u>\$75,000</u>
Total state appropriation section 5	<u>\$75,000</u>

6 Appropriation. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies, and branches named:

I. Adjutant General	
A. Replace 30 underground tanks	\$496,900
Less federal	<u>-140,850</u>
Net appropriation subparagraph A	\$356,050
B. Roof repairs - 6 armories	195,180
C. Roof and runway - flight facility	\$51,000
Less federal	<u>-38,250</u>
Net appropriation subparagraph C	<u>\$12,750</u>
Total state appropriation paragraph I	<u>\$563,980</u>

II. Administrative Services



A. Exterior renovations - purchase and property warehouse	\$90,000	
B. Replace flooring - Old Mill #1 - Claremont	50,000	
C. DIS - Air conditioning	38,000	
D. DIS - Halon extinguisher system	30,000	
E. Health and human services building - HVAC, Phase II	2,400,000	
F. Health and human services building - chemical storage facility	75,000	
Total state appropriation paragraph II		\$ 2,683,000

## III. Corrections

A. Design and renovations of Grasmere county facility for use as female facility	\$ 1,300,000	
Total state appropriation paragraph III		\$ 1,300,000

## IV. Fish and Game

A. Milford fish hatchery	\$195,000	
Finish well system redevelopment		
Total state appropriation paragraph IV		\$195,000

## V. Health and Human Services

A. TCF - Equipment and furnishings - New Hampshire hospital	\$ 2,500,000	
B. Spaulding cottage - YDC - design, renova- tions	420,000	
C. Glencliff home for the elderly		
1. Perimeter chain link fence	45,000	
2. Rewiring of Brown Building	100,000	
3. Replace one boiler at Glencliff	150,000	
4. Brown Building - window replacement	125,000	
5. Laundry sprinkler system	12,000	
6. Paving of dirt parking lot, minor road repairs	17,200	

Total subparagraph C	\$449,200	
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D. Office of Alcohol and Drug Abuse Prevention		
1. Design and renovations - Spaulding Building - Laconia state school (Residential alcohol and drug treatment facility)	\$322,400	

Total state appropriation paragraph V		\$ 3,691,600
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## VI. Judicial Branch

A. Carroll county superior court building		
1. Purchase	\$1	
2. Handicapped access	25,000	
Total subparagraph A	<u>\$25,001</u>	
Total state appropriation paragraph VI		\$25,001
VII. Port Authority		
A. Dredging pier (N.W. end)	<u>\$66,000</u>	
Total state appropriation paragraph VII		\$66,000
VIII. Postsecondary Vocational-Technical Education		
A. NHVTC - Claremont		
1. Roof repairs	\$113,500	
2. Mini computers for allied health programs	16,803	
Total appropriation subparagraph A	<u>\$130,303</u>	
B. NHTI - Concord		
1. Instructional equipment for I/MET and CET programs	\$825,848	
Total appropriation subparagraph B	<u>\$825,848</u>	
C. NHVTC - Laconia		
1. Roof repairs	\$110,000	
2. 3 color flex graphic press	30,000	
3. Saddle stitch binder	25,000	
Total appropriation subparagraph C	<u>\$165,000</u>	
D. NHVTC - Manchester		
1. Parking lot	\$140,000	
2. Twin post frame lifts	30,000	
Total appropriation subparagraph D	<u>\$170,000</u>	
E. NHVTC - Nashua		
1. Pollution control automotive engine diagnostic unit	\$32,000	
2. 3-Axis CNC mill machine	47,000	
Total appropriation subparagraph E	<u>\$79,000</u>	
F. NHVTC - Stratham		
1. Hunter C-111 alignment equipment	\$22,000	
2. Three engine lathes	49,000	
Total appropriation subparagraph F	<u>\$71,000</u>	
Total appropriation paragraph VIII		\$ 1,441,151
IX. Resources and Economic Development		
A. Land purchases	\$350,000	

Less federal funds	-350,000
Net appropriation subparagraph A	-0-
B. Cannon summit - sewage	150,000
C. Mt. Washington - sewage	500,000
D. Kingston Park - well	10,000
E. Lake Francis - well	10,000
F. Wadleigh - well	10,000
G. Moose Brook - sewage	30,000
H. Installation of fuel service facility - Hampton state pier or Rye Harbor	90,000
I. Hampton bath house	
1. Completion of Phase I - Office interior and Octagon building connector	100,000
2. Phase II	
(a) Maintenance/Storage Facility	150,000
(b) Parking lot	200,000
(c) Landscaping and entrance	100,000
Total appropriation subparagraph I	\$ 550,000
J. Odiorne State Park	
1. Restore unsafe batteries at Frost Point	40,000
2. Sugden House expansion	100,000
3. Shoreline erosion prevention	100,000
4. New year-round visitor center	400,000
Total appropriation subparagraph J	\$640,000

(No funds appropriated by paragraph IX, J, 4 shall be expended or encumbered in any way until the department of resources and economic development certifies to the capital budget overview committee that it has raised and can account for \$400,000 or more in gifts, grants, donations, or pledges from sources other than the state, to be used for the construction of a new year-round visitor center at Odiorne State Park.)

Total state appropriation paragraph IX	\$ 1,990,000
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X. Secretary of State/Records Management and Archives

A. Addition to records and archives building	\$951,350
B. Insulate and replace roof covering, archives building	60,000
Total state appropriation paragraph X	\$ 1,011,350

XI. State Library - Automated information system

A. Lines and microwave	\$46,400	
B. Equipment	462,642	
Total state appropriation paragraph XI		\$509,042
XII. Veterans Home		
A. Fifty bed nursing home	\$ 4,700,000	
Total state appropriation paragraph XII		\$ 4,700,000
XIII. Division of Water Resources		
A. Repair and reconstruction of dams transferred from fish and game	\$500,000	
Total state appropriation paragraph XIII		\$500,000
Total state appropriation section 6		\$ 18,676,124

7 Appropriation; University System of New Hampshire. The sums hereinafter detailed are hereby appropriated for the projects specified:

I. University System of New Hampshire		
A. Asbestos removal	\$300,000	
B. Life safety and handicapped	125,000	
C. Plymouth State College - Memorial Hall renovation, design and construction	1,320,000	
D. New Hampshire Public Television	365,000	
1. Broadcast center - move in project		
2. General production support - replacement project	285,850	
3. Saddleback network - replacement project	76,050	
4. Production control room A/Audio A - replacement project	107,475	
5. 1' editing - replacement project	71,550	
Total appropriation subparagraph D	905,925	
E. Keene State College - athletic/recreation field and academic/natural area - phase I - design and construction	1,900,000	
Total state appropriation section 7		\$ 4,550,925

8 Expenditures; General. The appropriation made for the purposes mentioned in sections 1, 3, 4, 5, and 6 and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 228.

9 Expenditures; University System of New Hampshire.

I. The appropriations made for the purposes mentioned in sections 2 and 7 and the sums available for these projects shall be expended by the trustees of the university system of New Hampshire. All contracts for the construction of all or any part of said building or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each of 2 successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought within the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less than 30 days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. The appropriations made in sections 2 and 7 are available for all costs incidental to the completion of the projects enumerated including the costs of the services of architects, engineers, and other consultants of such kind and capacity as the university system board of trustees may, in its discretion, wish to employ on such terms and conditions as the board determines. These moneys shall be spent under the direction of the university system board of trustees.

III. If, in the judgment of the trustees of the university system, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder; or, if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. The board of trustees of the university system has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the 3 lowest bidders for a contract for the construction upon terms considered most advantageous to the university system. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university system and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

10 Land Acquisition. Any land acquired under the appropriations made in sections 1, 3, 4, 5, and 6 except such land, if any, as may be

acquired under the appropriation for the division of water resources, shall be purchased by the commissioner of transportation with the approval of governor and council.

11 Architectural Requirements. No new building authorized by this act shall be constructed without meeting life safety code requirements, handicapped architectural barrier-free code requirements, and energy conservation code requirements.

12 Bonds Authorized.

I. To provide funds for the total of the appropriations of state funds made in sections 1, 2, and 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$34,150,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

13 Payments.

I. The payment of principal and interest on bonds and notes issued for the projects in sections 1 and 2 shall be made when due from the general funds of the state.

II. The payment of principal and interest on bonds issued for projects in section 3 shall be made from the highway fund.

14 Appropriation. The following sums are hereby appropriated for the biennium ending June 30, 1989:

I. The sum of \$570,000 is appropriated to the police standards and training council from any funds in the penalty assessment fund not otherwise appropriated for the projects in section 4.

II. The sum of \$75,000 is appropriated to the department of fish and game from any funds in the fish and game fund not otherwise appropriated for the projects in section 5.

III. The sum of \$22,587,049 is appropriated from the general fund to the appropriate departments for the projects in section 6 and section 7. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

15 Liquidation. The state treasurer is authorized to deduct from the fund accruing to the university under RSA 187-A:7, or appropriation in lieu thereof, for each fiscal year such sum as may be necessary to meet interest and principal payments in accordance with the terms and conditions of the bonds or notes issued for the purpose of section 2.

16 Powers of Governor and Council. The governor and council are hereby authorized and empowered:



I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are or become available for any project under sections 1, 3, 4, 5, and 6 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 12 and the appropriations authorized by section 14 shall be reduced by the same amount.

17 Transfers. The individual project appropriations as provided in sections 1, 3, 4, 5, and 6 shall not be transferred or expended for any other purposes; provided that any anticipated balance remaining in an individual project, which is fully funded by state funds, may be transferred by governor and council to any other individual project or projects, which are also fully funded by state funds, within the same section, provided prior approval of the capital budget overview committee is obtained.

18 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for in this act is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such project and the net appropriation of state funds therefor shall be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced. The amount of bonding authorized by section 12 and the appropriations authorized by section 14 shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

19 Water Supply and Pollution Control. Amend 1983, 423:1, IX to read as follows:

IX. Division of Water Supply and Pollution	\$ 6,660,000
Control [Commission] - Regional waste	
treatment facilities -	
Winnepesaukee river basin	
less federal	[4,995,000]
	-2,995,000
less local	- 333,000
Total paragraph IX	<u>\$[1,332,000]</u>
	3,332,000



20 Bonds Authorized. Amend 1983, 423:8 as amended by 1985, 44:19 and 1985, 390:3 to read as follows:

423:8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [\$22,487,345] \$24,487,345 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A; provided, however, that the bonds issued for section 1, I, B; II, E; III, B, C, D, E(1), (2), and (4), F, G; IV, A(4); VI, A-D, and F; VII, B; X, A-J; section 3, I, B; II, D and E; section 4, I, A-C; shall have a maturity of 5 years from date of issue.

21 Appropriation; Fish and Game Regional Offices. 1985, 409:1, V as amended by 1986, 211:1, 2 is repealed and reenacted to read as follows:

V. Fish and Game

A. New headquarters facility -	\$1,850,000
Concord, design and construction	
B. Regional Offices - Durham	1,650,000
(to be built on state owned property);	
Laconia (to be built on state owned	
property); Lancaster; Keene	
Less federal	- 550,000
	\$1,100,000
C. Computer system - headquarters -	\$90,000*
Concord	
Total state appropriation paragraph V	\$3,040,000

(No expenditure may be made from the appropriation made in section 1, V, A or B until such time as the fish and game commission has developed an action plan and received the approval of such plan from both the capital budget overview committee and the governor and council. The sums appropriated in section 1, V, B may be transferred, by governor and council, with the prior approval of the capital budget overview committee, from one regional office to another to allow and maximize the potential use of federal matching funds. Any shortfall in matching federal funds for the appropriation made in section 1, V, B shall be a charge against the fish and game fund.)

22 Bonds Authorized; Total Changed. Amend 1985, 409:11, I as amended by 1986, 209:9; 1986, 211:13; and 1986, 211:27 to read as follows:

I. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [\$22,886,620] \$23,756,620 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

### 23 Project Second Start Reimbursement; Appropriation.

I. The lease between Project Second Start and the state of New Hampshire, by which Project Second Start leases space in the Walker Building at New Hampshire hospital, shall be honored by the state until the expiration date of the lease.

II. The sum of \$71,669 is hereby appropriated to the department of administrative services to be paid to Project Second Start when it vacates its space in the Walker Building as repayment for renovations done by Project Second Start. This appropriation shall be non-lapsing. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

24 Repayment of Construction Costs; Dredging of Portsmouth Harbor and Piscataqua River. The state shall repay an additional 10 percent of the total cost of construction for the dredging of Portsmouth Harbor and the Piscataqua River, as authorized by section 1, paragraph III, A of this act, over a period of not more than 30 years from the date of project completion. The governor is authorized to draw his warrant for said sums for repayment out of any money in the treasury not otherwise appropriated. The repayment shall include interest at a rate to be determined by the Secretary of the Treasury.

25 Appropriation; Mental Health Facilities Improvement Program. Amend 1985, 409:23 to read as follows:

409:23 Appropriation; Mental Health Facilities Improvement Program. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies and branches named:

#### I. Health and human services

A. Central psychiatric hospital [ \$21,500,000 ]

\$22,200,000

B. Community care facility 2,000,000

Total state appropriation section 23 [ \$23,500,000 ]

\$24,200,000

26 Bonds Authorized. Amend 1985, 409:26 to read as follows:

409:26 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in section 23 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [\$23,500,000] \$24,200,000 and for said purposes may issue bonds and notes in the name and on behalf to the state of New Hampshire in accordance with the provisions of RSA 6-A.

27 Appropriation; Department of Safety. Amend 1985, 409:3 to read as follows:

409:3 Appropriation; [Department] Departments of Safety and [Public Works and Highways] Transportation. The sums hereinafter detailed are hereby appropriated for the projects specified:

I. Department of Safety	
A. Addition and new roof,	[\$1,300,000]
Hayes building - Concord	1,460,000
B. New troop station-Milford	
1. Land acquisition	\$ 100,000
2. Design and construction	[200,000]
	610,000
C. Garage, troop A - Epping	50,000
Total state appropriation paragraph I	<u>[\$1,650,000]</u>
	\$2,220,000
II. [Public works and highways] Transportation	
A. Renovations to John O. Morton building -	\$ 245,000
Concord (no part of this appropriation	
shall be used for the construction	
of shower facilities)	
B. CAD system - Concord	950,000
C. Statewide fuel distribution system	340,000
Total state appropriation paragraph II	<u>\$1,535,000</u>
Total state appropriation section 3	<u>[\$3,185,000]</u>
	\$3,755,000

28 Federal Groundwater Mapping Program. 1985, 77:1 is repealed and reenacted to read as follows:

77:1 Appropriation; Special Account. The sum of [\$2,000,000] \$2,500,000 is hereby appropriated to the [water resources board or

to its successor agency] division of water resources, department of environmental services, for participation in the federal groundwater mapping program.

29 Bonds Authorized. Amend 1985, 77:2 to read as follows:

77:2 Bonds Authorized. To provide funds for the total of the appropriation of state funds made in section 1 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state the sum of [\$2,000,000] \$2,500,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

30 Appropriation; Aeronautics Commission. Amend 1985, 409:6 to read as follows:

409:6 Appropriation - Self Liquidating Revenue Bonds Aeronautics Commission. The sums hereinafter detailed are hereby appropriated for the projects specified:

I. Aeronautics commission

A. Design and construction of hangar -	\$ [140,000]**
Skyhaven	\$ 167,500

Total appropriation paragraph I	\$ [140,000]
	\$ 167,500

Total state appropriation section 6	\$ [140,000]
	\$ 167,500

\*\*To be 10 year bonds.

31 Bonds Authorized. Amend 1985, 409:11, III to read as follows:

III. To provide funds for the purpose of section 6, the design and construction of Skyhaven hangar project, the state treasurer is hereby authorized to borrow upon the credit of the state in the amount of [\$140,000] \$167,500 and for said purpose shall issue revenue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The interest and principal due on the bonds or notes issued under this paragraph shall be a direct charge against the Skyhaven hangar revenues. Prior to issuance of the bonds or notes authorized by this paragraph, the treasurer may, for the purpose of this section, borrow money from time to time on short-term loans which may be refunded by the issuance of the bonds or notes hereunder; provided, however, that at no time shall indebtedness on such short-term loans exceed the sum of [\$140,000] \$167,500.

32 Appropriation. The sum of \$1,000,000 is hereby appropriated to the department of transportation for the biennium ending June 30, 1989, for land acquisition, engineering, design and planning for the reconstruction and the construction of a 4-way intersection at New Hampshire routes 9 and 155 in the city of Dover. This appropriation shall be non-lapsing and in addition to any other appropriation for the department of transportation for the biennium. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

33 Appropriation. The sum of \$2,200,000 is hereby appropriated to the department of public works and highways for the purpose of preparing contract drawings for a Route 102 bypass in the towns of Derry and Londonderry. This appropriation shall be used to perform a corridor location study, the preparation of an environmental impact statement, and the preparation of preliminary and final design plans. This appropriation is in addition to any other appropriation for the department of public works and highways for the biennium ending June 30, 1987, and shall be non-lapsing. This appropriation shall be reduced by any federal funds that may be made available for this project.

34 Bonds. To provide funds for the appropriation made in section 33 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$2,200,000 and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

35 Payments. The payment of principal and interest on the \$2,200,000 of the bonds and notes issued for the project in section 33 of this act shall be made when due from the highway fund.

36 Appropriation; Coastal Projects. Amend 1985, 409:1, IX as amended by 1986, 209:1 to read as follows:

IX. Resources and Economic Development

- A. Ski lift renovation and replacement,           \$3,910,000  
    and snow making and trail improvements -  
    Mt. Sunapee, Cannon Mt.
- B. [Marine repairs, dredging - Hampton,           [920,000]  
    Portsmouth and Rye harbor]
- Coastal projects



1. Portsmouth harbor - marine repairs and dredging	\$ 570,000
2. Rye harbor projects	400,000
Total state appropriation subparagraph B	\$ 970,000
C. Safety modifications and sewage Franconia Notch state park	155,000
D. Lodge expansion, water and sewer improvements - Mt. Sunapee state park	160,000
E. Building repairs, parking and sewer improvements - Wallis Sands state park	290,000
F. Handicapped facilities - state campgrounds	250,000
G. Power and water - state campgrounds	250,000
H. Safety hazards, building and sewer repairs Fort Stark	140,000
I. Parking and building repairs Franconia Notch state park	170,000
Total state appropriation paragraph IX	[\$ 6,245,000] \$6,295,000

(A sum not exceeding 1-1/2 percent of the total capital appropriation made in section 1, IX, A, may be utilized for the purpose of contract or in-house engineering services for design, maintenance, and supervision. The appropriation made in section 1, IX, A for the department of resources and economic development shall not be expended, encumbered or obligated in any way without the approval of the capital budget overview committee.)

### 37 Appropriation; Department of Transportation.

I. The sum of \$850,000 is appropriated to the department of transportation for the biennium ending June 30, 1989, for preliminary engineering and soil investigation analysis for a second bridge over the Nashua River. The source of funds for such appropriation shall be as follows:

A. Federal Aid -	\$637,500.
B. City of Nashua -	\$212,500.

II. The appropriations made by this section shall be continuing appropriations and shall not lapse.

38 Appropriation; Joint Committee on Legislative Facilities. The sum of \$1 is hereby appropriated for the biennium ending June 30, 1989, to the joint committee on legislative facilities for the repair and rehabilitation of the Legislative Office Building. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

39 Lapse Date Extended; Department of Corrections. The lapse date for 1985, 409:1, VIII, C, Phase IV construction, New Hampshire state prison, is hereby extended to June 30, 1989, and the unexpended balance of \$775,000 is allocated to Phase IV-B in section 1, paragraph I, A of this act so that the total available for said project shall be \$17,800,000.

40 Lapse Date Extended; Department of Resources and Economic Development. The appropriations made to the department of resources and economic development in 1985, 409:1, IX, A, for renovations and improvements at Mount Sunapee and Cannon Mountain; 1985, 409:1, IX, B, for marine repairs, dredging - Hampton, Portsmouth and Rye harbors; and 1985, 409:1, IX, G, power and water at the state campgrounds, are hereby extended to June 30, 1989.

41 Lapse Date Extended; Department of Health and Human Services. The appropriations made to the department of health and human services by the following are hereby extended to June 30, 1989:

I. 1985, 409:1, VI, E, boiler breeching replacement - YDC.

II. 1985, 409:1, VI, F, safety improvements - Friendship house - Manchester.

III. 1985, 409:1, VI, G, smoke detectors - YDC.

42 Lapse Date Extended; Youth Development Center; Approval of Capital Budget Overview Committee Required.

I. The following appropriations to the youth development center are hereby extended to June 30, 1989:

(a) 1983, 423:1, X as amended by 1985, 44:20 and 1985, 44:21, priority maintenance projects.

(b) 1981, 565:20, V as amended by 1982, 38:16 and 1985, 44:20 and 1985, 44:21, renovations to King and East Cottages.

II. No expenditures shall be made by the youth development center from the appropriations extended for the projects specified in subparagraphs I(a) and (b) without the prior approval of the capital budget overview committee.

43 Lapse Date Extended; State Veterans Home. The lapse date for 1985, 409:1, XI, B, site evaluation for state veterans cemetery, is hereby extended to June 30, 1989.

44 Lapse Dates Extended; Department of Administrative Services.

I. The lapse date for 1985, 44:1, IV, A and B as amended by 1986, 211:30, purchase and enhancements of the federal district court-



house - Littleton, and purchase and enhancement of federal post office, N. Main St., Rochester, is hereby extended to January 1, 1988.

II. The lapse date for 1985, 409:1, II, A, major alterations to the health and welfare building, is hereby extended to June 30, 1989.

45 Lapse Date Extended; Liquor Commission. The lapse date for 1985, 409:1, VII, C, computer system enhancements, is hereby extended to June 30, 1989.

46 Lapse Date Extended; Supreme Court. The lapse date for 1985, 44:1, III, for the superior court - Nashua, design and engineering, is hereby extended to June 30, 1989.

47 Lapse of Available Balances; Sugar River Watershed Site C-9 Accounts.

I. The available balance of \$1,045,000 in federal funds and \$143,417.46 in state funds in the appropriation made by 1979, 435:1, XII, B as amended by 1981, 565:15, III and 1985, 400:5, I(a), for the construction of Sugar River watershed site C-9, a flood retarding and wildlife impoundment, shall lapse on the effective date of this section.

II. The available balance of \$3,650 in federal funds and \$628,550 in state funds in the appropriation made by 1983, 423:1, VII as amended by 1985, 400:5, I(b), for the Sugar River watershed site C-9, a flood retarding and wildlife impoundment, shall lapse on the effective date of this section.

48 Lapse Date Extended; Aeronautics Commission. The lapse date for 1983, 4:10 as amended by 1985, 400:5, III (c), for the Lebanon Airport runway extension, is hereby extended to June 30, 1989.

49 Lapse Date Extended; Department of Safety. The appropriations made to the department of safety by the following are hereby extended to June 30, 1989:

I. 1985; 409:3, I, A, addition and new roof, Hayes building - Concord.

II. 1985; 409:3, I, B, new troop station - Milford.

III. 1985; 409:3, I, C, garage, troop A - Epping.

IV. 1986; 211:32, II, III, IV, and V repairs and renovations to the Glendale boathouse and repair to docks.

50 Effective Date. This act shall take effect upon its passage.

Amendment Adopted.

SENATOR CHARBONNEAU: I want to find out, what is that Odiorne Center?

SENATOR TORR: Odiorne Point is an area located on the seacoast which happens to be in Rye, New Hampshire. It's a former port site, coast auxiliary site, which the State of New Hampshire received for \$1.00 and I can't tell you the actual year. It's a visitors center and also an educational center, as far as the marine life is concerned. The State of New Hampshire students, many of them travel there for educational aspects of marine life. The University of New Hampshire uses it for their marine life programs, or sea grant programs.

SENATOR CHARBONNEAU: What is the cost going to be per year to maintain this?

SENATOR TORR: If you're aware, it's an ongoing site right now, used only in the summer time. With the improvements to the facility it would be a year-round program. I don't have those figures right directly in front of me. We do have a booklet though that would certainly be enlightening to you. Senator Krasker has one right in front of her. I could give you one after the session. I know that doesn't address your full concerns at this point in time, but it's something that we feel is a natural area. This is the time to make those improvements, to make it accessible to the citizens of the State of New Hampshire, and also, the visitors to our State. We feel it's a valuable asset. I guess in my original presentation, of that \$600,000, there's \$400,000 in there for improvements. Prior to the release of that \$400,000 there has to be a private match to accumulate \$800,000 out of that.

HB 200-A Ordered to Third Reading.

### SUSPENSION OF THE RULES

Senator Torr moved to suspend the rules of the Senate to put HB 100-A and HB 200-A on Third Reading and Final Passage at the present time.

Adopted.

### Third Reading and Final Passage

HB 100-A, An act making appropriations for capital improvements.

Adopted.

HB 200-A, An act making appropriations for capital improvements  
Adopted.

### COMMITTEE REPORTS

HB 201-FN, An act relative to the use of the New Hampshire hospital buildings and relative to the disposal of state-owned property. Ought to Pass with Amendment. Senator Preston for the Committee.

SENATOR PRESTON: HB 201 is before you. The bill was going to be reported out inexpedient to legislate, as it's being covered in another piece of legislation. We understand it's coming in from the House. The body of the bill you may see on page 26. It appropriates the sum of \$1.00 and it addresses the possible enforcement action for the waste water treatment for the town of Exeter. This one dollar appropriation is just keeping it alive going into the House for consideration.

SENATOR CHANDLER: Were we not considering HB 201-FN?

CHAIR: That's what we're discussing. That's what Senator Preston just reported on.

SENATOR PRESTON: It's on page 26 of the calendar, the entire body of the bill has been replaced. We're reporting it out inexpedient to legislate, Senator.

SENATOR CHANDLER: This says ought to pass with amendment.

CHAIR: Senator Preston, is the report ought to pass with amendment?

SENATOR PRESTON: Yes.

### AMENDMENT TO HB 201-FN

Amend the title of the bill by replacing it with the following:

#### An Act

increasing financial aid to the Exeter secondary treatment facility and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Funding for Certain Sewage Disposal Facilities. Amend RSA 149-B:1 to read as follows:

## 149-B:1 State Contributions.

I. The state of New Hampshire shall, in addition to any federal grant made available under the provisions of the Clean Water Act of 1977 (or subsequent amendments thereof), pay annually 20 percent of the annual amortization charges, meaning principal and interest, on the original costs resulting from the acquisition and construction of sewage disposal facilities by municipalities (meaning counties, cities, towns, or village districts), in accordance with RSA 148:25, RSA 149:4, IX, and RSA 149:4, XIII, for the control of water pollution. The word "construction" shall include engineering services, in addition to the construction of new sewage treatment plants, pumping stations, intercepting sewers, and sewer separation by storm drains when the latter can be demonstrated as a cost-effective method for eliminating a combined sewer overflow structure; the altering, improving or adding to existing treatment plants, pumping stations, intercepting sewers, and sewer separation by storm drains when the latter can be demonstrated as a cost-effective method for eliminating a combined sewer overflow structure; provided the construction has been directed by the division of water supply and pollution control, or constitutes a voluntary undertaking designed to control or reduce pollution in the surface waters of the state as defined in RSA 149:1, and the plan therefor is approved in compliance with the provisions of RSA 148:25, RSA 149:4, IX, and RSA 149:4, XIII. The term ["original costs"] "eligible costs" as used in this section shall mean the entire cost of the construction of treatment plants, pumping stations, intercepting sewers and sewer separation by storm drains as defined in the Clean Water Act of 1977.

II. Notwithstanding the provisions of paragraph I, the state of New Hampshire shall make a grant to the town of Exeter for the following specific project which is enumerated in this paragraph, in an amount that, subsequent to the application of all available federal funds and the 5 percent local share of said project, shall provide funds to pay for all interest costs incurred by issuance of bond anticipation notes and upon completion of said project, shall provide funds which are equivalent to the annual amortization charges, meaning principal and interest, on the remaining portion of the eligible costs resulting from the acquisition and construction of the Exeter secondary treatment facility:

2 Appropriation. There is appropriated the sum of \$1 for the fiscal year ending June 30, 1988, for the purposes of this act. The governor shall draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1987.

Amendment Adopted. Ordered to Third Reading.

HB 260-FN-A, An act providing for the reconstruction of a section of Prescott Road in the town of Raymond and making an appropriation therefor. Ought to Pass with Amendment. Senator White for the Committee.

SENATOR WHITE: You will find the amendment to this bill on page 27. The first part of the bill deals with the Prescott Road over in the town of Raymond, and as you all know, that passed and passed and repassed. It's something that both the House and the Senate have approved of since the 101 by-pass in that area. We've cut off the fire delivery to one of the towns, so that's the first part of the bill.

The second part of the bill is due to the storms and all the high water that's gone over the Connecticut River. We have had to close a bridge that connects Westminster, Vermont and Walpole, New Hampshire because it's structurally unsafe. The Department of Transportation came before the Capital Budget with four proposals. What we did was take the least cost approach to reopen that bridge and that's the amendment that you'll find on page 27. We hope that you'll support the bill as ought to pass as amended.

SENATOR JOHNSON: How will I explain to my constituents the fact that the State of New Hampshire is paying something like \$865,000 for their share of this and the State of Vermont is paying \$75,000?

SENATOR WHITE: Unfortunately, probably because the State of New Hampshire has total control of the Connecticut River, so we own the river and because of that we have to pay for the bridges that go over this river.

#### AMENDMENT TO HB 260-FN-A

Amend the title of the bill by replacing it with the following:

##### An Act

providing for the reconstruction of a section of Prescott Road  
in the town of Raymond, and relative to the rehabilitation  
of the Westminster bridge on Routes 12 and 123  
in the town of Walpole and making  
an appropriation therefor.

Amend section 2 of the bill by replacing it with the following:



2 Appropriation. The sum of \$940,000 is hereby appropriated to the department of transportation for the fiscal year ending June 30, 1987, for the rehabilitation of the Westminster bridge in the town of Walpole. This appropriation shall be non-lapsing, but the commissioner of the department of transportation is directed to prioritize this rehabilitation project by letting the contract for this work in fiscal year 1987 or 1988, and the work shall be started as soon as reasonably possible. The funds for this appropriation are from the following sources:

State of New Hampshire	\$865,000
State of Vermont	75,000
Total	<u>\$940,000</u>

The state of New Hampshire's share of the appropriation shall be reduced by any federal funds made available for this project.

3 Bonds. To provide funds for the state of New Hampshire's share of the appropriation made in section 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$865,000 and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

4 Payments. The payment of principal and interest on the bonds and notes issued under section 3 of this act shall be made when due from the highway fund.

5 Effective Date. This act shall take effect upon its passage.

Amendment Adopted. Ordered to Third Reading.

Recess

Out of Recess

Senator Dupont in the chair.

HB 354-FN-A, An act relative to the Franklin-Laconia connector and making an appropriation therefor. Inexpedient to Legislate. Senator White for the Committee.

SENATOR WHITE: This was the third bill that Capital Budget heard in regards to the Franklin-Laconia by-pass. We felt that we'd be giving undue false hope to those people in those towns if we put any money into it because they would continually come back and say, well, the 1987 legislature said it was such a good bill, that they appropriated more money. What the bill does is appropriates money

for land taking and we felt that it was inappropriate to continually give them false hope that something would be done on this particular bill. I understand that there are other motions coming forward on the bill, but it was voted inexpedient six to one in the committee.

Senator Chandler moved to substitute Ought to Pass.

SENATOR CHANDLER: A brief history of this project. The Franklin-Laconia by-pass highway is a twelve mile proposed road linking Laconia and Franklin to Interstate 93 and each other. It provides a badly needed second bridge across the Pemi River in Franklin and forms a part of an improved East-West highway system, running from the Spaulding Turnpike through Laconia and Franklin to New London, with the exception of one short stretch between New London and Franklin. It is a highway project that was originally designed in the 1950's and in the 1960's, by the State highway department. It has been endorsed by special committees of the Executive Council in 1969 and 1978. It was given strong endorsement by the State Legislature as an urgently needed highway project in 1981. Construction of this connects the highway between Franklin and Laconia and will alleviate severe traffic congestion along Routes 3 and 11, which results from the heavy usage by tourists in the Lakes Region. This improved road system would function consistently with the State's main North/South artery and provides access for orderly development where the State can accommodate it west of Interstate 93. It is a highway which eventually will be built and we should keep steps to keep this project moving forward. There's a lot more here. I won't take up the Senate's time in reading all, but I do believe that this project was approved and started and right-of-way was acquired and engineering was being done. The towns of Belmont and Tilton brought suit to stop the project and Tilton and Belmont were and still are opposed to it. They took the suit all the way to the United States Supreme Court and the United States Supreme Court turned it down. One of the towns then dropped out of the suit and eventually the other town dropped the suit. While the suit was being considered, over two or three years, all the work stopped. Then when the suit was finally decided in favor of Franklin and Laconia, we assumed that the work would automatically start up again and that the project would proceed the way it was originally scheduled. But in the meantime, the Governor's Council and the Governor adopted a ten year highway plan and did not put this project in the ten year highway plan. Therefore, legislation has been introduced to reactivate it. There's a bill now concerning the bridge, part of it. The highway department has not done anything about



putting in the bridge across the Pemi River, so now the towns of Franklin and Laconia are suing the State over the bridge. This part here does not take the bridge into consideration. It just takes into consideration of the right-of-way to be acquired and an interchange on 93, interchange #21, and to have the \$20,000,000 available for interstate work, from the federal government. The State of New Hampshire put in two million for this new interchange #21.

We've had two bills in the Senate; one of them was for \$150 million for this project, which I was a sponsor of, and that included the bridge. That was referred to the Capital Budget Committee. The other bill was a bill identical to the one before us, was introduced by Senator Freese and myself, calling for \$33 million for the project right-of-way and construction, without the bridge. That bill was amended to do something else by the Senate Capital Budget Committee. I did not oppose it because I knew there was a bill in the House that was coming in. That bill passed the House with a reduction of their appropriations from \$33 million to \$4.6 million. That's what is in the bill now, for the acquisition of the right-of-way, no construction. That's what it calls for now. We had a hearing on it on May 1st and the Senate Capital Budget Committee voted five to nothing for the bill to be inexpedient. I think it's a thing that's long overdue and I'm sure there's plenty of money in the highway fund for this; plenty of money that's in the ten year budget that could be used for it. There's \$30 million in the ten year plan for a by-pass for the town of Hillsboro, which is in my district, and that is not really as important or vital and some of the people over there don't really like the by-pass, some like it and some don't; but there would be \$30 million that would be available and could be put on this project. I hope that the Senate will go along and adopt the report of ought to pass.

SENATOR HEATH: Senator Chandler, you've probably been waiting for this question, but I feel I have to ask it. When we're talking about the Belmont liquor store, you said that, if this by-pass were put in that this would take business away from that store. Now, you and I just stood together in opposing a budget bill that we thought was a little excessive in its spending, my question is: how can you, as a fiscal conservative, stand up and ask to build a liquor store in a location, and then subsequent to that, ask to put a highway that will take business, by your own testimony, away from that liquor store? Where's the fiscal responsibility in doing that? Is that pork barreling?

SENATOR CHANDLER: Call it whatever you want to, but I've been supporting this bill since 1978 for the road and bridge. Franklin desperately needs another bridge across the Pemi River and Route 3 through Winnisquam area and Central Street in Franklin is absolutely a horror. There are certain times of the day when it's impossible to get onto Central Street. They really need it! I don't think enough traffic will be taken away so that it will hurt the liquor store. Actually, that's a separate question which this body has already acted upon. I don't think it's really a germane thing.

SENATOR HEATH: Allow me to phrase it in a slightly different way. If you own a grocery store on that location and you were an ordinary citizen, would you be writing your legislator in favor of putting the by-pass through that will take business away from you? Or would you hope that the by-pass didn't take business away from you?

SENATOR CHANDLER: If I had a store on that route, I think there would be plenty of customers going by and the people that wanted to take the new road, they would take it and the other traffic would continue to go on the old route. I don't think I'd lose too many customers.

SENATOR HEATH: Would you believe Senator Chandler; that you'd be more generous than I would, under those circumstances?

SENATOR CHANDLER: Well, I'm all heart. I'm big hearted you know!

Question: Ought to Pass.

Motion Failed.

Senator Freese moved to substitute re-refer to committee.

SENATOR FREESE: I, too, have supported this by-pass since I've been a State Senator, since 1981. I do believe that it's a much needed road in order to give Laconia and the Lakes Region proper access. They are a growing area and they contribute greatly to the State support. The reason that I'd like it to be re-referred, another reason is that last year we appropriated \$150,000 for study that was suppose to be ready December 1st. That study is now ongoing. It's late and Senator Preston received a letter on May 4th stating the date that that study should be available. I'd like to read it as it is a short letter. "This is in response to your letter of May 1st regarding the

Franklin-Laconia connector. The contract for the study by RKG Associates of Durham is approved by the Governor and Council on December 17th, 1986. Our current best estimate for the date, when we'll receive the final report, is Tuesday May 12th, 1987. Upon receipt of the report we will immediately submit it to the Commissioner of Transportation. He assured me today that he will then transmit it immediately to the Governor and the Legislative Leadership." In view of this letter, and the fact that that report has not been made, I hope you will support a re-refer to the committee so that we can study this and maybe come to some positive solution early in 1987, according to the statutes.

SENATOR NELSON: I want to support the motion of re-refer. Having listened to the testimony on that bill three times, it is indicated in the testimony that the Department of Transportation had been commissioned to do some studies and the studies were due December 1st, 1986. As of this date, the studies are not completed or at least the information has not been handed back to us. Based on the fact that there is some missing information that hasn't been submitted, I would support re-referred at this time.

Motion Adopted.

Senator Hounsell wished to be recorded as opposed.

Recess

Out of Recess

Senator Freese in the Chair.

### RECONSIDERATION

Senator Bond moved reconsideration on HB 167.

Adopted.

HB 167, Relative to sunset review of the department of post-secondary vocational-technical education.

Senator Bond offered a floor amendment.

SENATOR BOND: HB 167 has one minor correction to it effective, the date of October 15th passed the final bill date to the next sitting of this session and so we would like to change the date to September 15th. It's in conjunction with the discussion that we had with the House committee and I think Senator Disnard might have something to add.

SENATOR DISNARD: The Education Committee voted unanimously for this. We urge ought to pass.

Floor Amendment to HB 167-FN

Amend RSA 188-F:14-a, I, as inserted by section 4 of the bill, to read as follows:

I. The commissioners of the departments of education and postsecondary vocational-technical education shall issue a joint report annually on the proposed use and distribution of federal vocational funds. Such report shall be completed by September 15 of each year. A copy of this report shall be delivered to the chairs of the house education committee, and senate education committee, the speaker of the house, president of the senate, and the governor.

Floor Amendment Adopted. Ordered to Third Reading.

HB 658-FN, Relative to the nursing scholarship program and private trade schools. Ought to Pass. Senator Disnard for the Committee.

SENATOR DISNARD: This is probably the simplest bill you'll have today. It's just relative to the nursing scholarship program, and the most important part, it increases the nursing scholarship program, loan amounts and those are listed on the first page of the amendment.

Senator Hough moved to waive reference to Rule 24 on HB 658.

Adopted. Ordered to Third Reading.

Senator Charbonneau wished to be recorded Rule 42.

HB 357-FN-A, Relative to respite care in area agencies and making an appropriation therefor. Ought to Pass. Senator Podles for the Committee.

SENATOR PODLES: HB 357 appropriates \$220,000 for the biennium to the Division of Mental Health and Developmental Services for the purposes of increasing respite care service in area agencies. The ratio of question in the bill is deleted and the committee recommends ought to pass.

Adopted. Ordered to Third Reading.

HB 338-FN-A, An act relative to the senior companions and foster grandparents programs and making an appropriation therefor. Ought to Pass. Senator St. Jean for the Committee.

SENATOR ST. JEAN: We heard from the foster grandparents yesterday. We felt that it was a worthwhile piece of legislation and we urge passage. At this time, I do defer to one of its sponsors, Senator Nelson, to explain the merits of this legislation.

SENATOR NELSON: It is a good program. I think Senator St. Jean said it well. These programs have been in place around the State and I urge ought to pass.

Adopted. Ordered to Third Reading.

HB 376-FN-A, Relative to Alzheimer's disease and related disorders and making an appropriation therefor. Ought to Pass. Senator McLane for the Committee.

SENATOR MCLANE: This bill appropriates \$280,000 for the biennium to carry out its purposes, which are to provide some respite care for the primary care givers of persons suffering from Alzheimer's and to train people to help with the disease of Alzheimer's. Ten percent of the people over 65 have some degree of Alzheimer's or related dementias and there are 13,000 families in New Hampshire who are caring for such people now. This bill will help only 300 of such families, but it will be a start towards a program for Alzheimer's.

Adopted. Ordered to Third Reading.

HB 364-FN-A, Establishing an air toxics control program within the division of air resources, department of environmental services, and making an appropriation therefor. Inexpedient to Legislate. Senator Blaisdell for the Committee.

SENATOR BLAISDELL: We took this bill down to Senate Finance. It is my understanding that a similar bill that is sponsored by Senator Disnard has passed the House. It is my understanding now that the House killed Senator Disnard's bill. I'm still upset with that. We had already passed this program. I would like to make a motion from inexpedient to legislate to ought to pass.

I'm the one that told Senate Finance that Senator Disnard's bill had passed. I'm still upset that the House wouldn't accept a bill from the Senate. I don't think that's any way to do it and I'm looking to the sponsor upstairs. If I had known this, I certainly wouldn't have



made it inexpedient to legislate. I would have made it ought to pass out of Senate Finance, out of courtesy to Senator Disnard and nobody else. I ask for the vote that the bill ought to pass.

Adopted. Ordered to Third Reading.

HB 309-FN-A, Relative to the Nansen ski jump and making an appropriation therefor and repealing the Cannon Mountain aerial tramway fund and establishing a study committee for the state-owned ski operations. Ought to Pass. Senator McLane for the Committee.

SENATOR MCLANE: This bill appropriates \$66,000 to fix up a ski jump. When you look at the other things that we've been doing today, you may have great doubts about it. The State is in a rather difficult catch-22 situation, as far as, the famous Nansen ski jump is concerned. This is an 80 meter jump, north of Berlin that has been a famous landmark on the Berlin scene since 1938. I saw a man jump 275 feet on this jump and that is some jump. The problem is that the facility now needs some extensive repairs. It belongs to the State; the State carries the liability for this. In order to have someone use the jump, it has to be repaired. The cost of the repairs is just about as much as it would cost to tear it down. The hope is that if the State, using their highway forces, can fix up the iron work and paint it, then some club, such as the Nansen Ski Club, would be in the position of using the jump and continuing it and perhaps even paying the State something for its use. This is a famous landmark. The Nansen Ski Club was the first ski club in the country. I think that anything that the State can do to help the north country in this way is probably in our long term best interest despite the cost.

SENATOR DUPONT: Senator McLane, what are we going to do with this ski jump after we get it refurbished? I've heard that we're going to give it away. Is that true?

SENATOR MCLANE: Maybe give it away, maybe rent it for a dollar. Anything so that it perhaps could be used again.

SENATOR BOND: I'd just like to underscore what Senator McLane just said. The city of Berlin and the town of Milan are very interested in seeing that the ski jump is refurbished and they are given the opportunity to find a private means to operate it. As Senator McLane said, the cost of removing it is approximately what the cost of the State's doing the bridge work on it is. This price does not

include the wood work that will also have to be done on that issue. But, it is a historic structure and it has local significance in that part of the north country. I urge your support of HB 309.

SENATOR HOUNSELL: I rise in strong support of this. I just want to point out that the Senate Development, Recreation and Environment Committee, along now with Senate Finance, has put in place a study committee to take a real good look at the ski operations of Cannon and Sunapee. It was an issue that was before us earlier. This does nothing to change the structure, but it does call for a very involved look at just how those operations might effect the State and especially the General Fund. I support it for that reason.

Adopted. Ordered to Third Reading.

HB 321-FN-A, Creating the Connecticut River resource commission and making an appropriation therefor. Ought to Pass. Senator Blaisdell for the Committee.

SENATOR BLAISDELL: This bill passed the Senate the other afternoon, came to Finance and we changed nothing at all and we recommend ought to pass.

Adopted. Ordered to Third Reading.

HB 322-FN-A, Relative to the AIDS virus and making an appropriation therefor. Ought to Pass. Senator McLane for the Committee.

SENATOR MCLANE: I think this is a very, very important bill. There is \$750,000 in it for AIDS education and for AIDS testing. It is strongly supported by the Public Health Department. I think we all know the danger of this disease and how it is spreading. It is important that the State of New Hampshire stand up, get the federal funds that are matching, and go at a program that will make some difference.

Senator Dupont offered a floor amendment.

SENATOR DUPONT: I'm not going to bore you with any of the details about this bill. There's been a lot that's been said about the bill and there's been a lot said about the amendment. There's just two points that I'd like to make: one, this bill does not take any dollars away from the original bill that funds all the needed and necessary work and the fight against AIDS, because it will be funded by the person that is applying for the marriage license; secondly,



there's nothing in here that prevents someone that tests positive from getting married. Those are two misconceptions that have been put out by various people involved in this issue. With that, I'm going to sit down and urge the Senate to vote in support of this amendment.

SENATOR KRASKER: I think, if ever there was a need for us to base our judgement on medical testimony and not on politics, that time is now. What we have to do today is act in a way that does something, not what appears to do something. Our committee heard the bill on AIDS for three hours. Three hours of testimony. During that time, the New Hampshire Medical community was united in supporting the bill and opposing the amendment. Only the medical advisor to Linden LaRouche supported the amendment. We were told by the Division of Public Health that they've been thinking about this bill for five years, but that the plan itself was six months in preparation. It was based on advice from CCD, from the Attorney General, from plans of other states. What the amendment would do, if it were added, is test the population least at risk. In other words, you would be spending money where you get the least results. The medical community was united in telling us that we should expend every effort to control the disease in the high risk groups. There's something you should know about the AIDS test. It's not accurate. There are false positives; there are false negatives. The only validity we were told to this test is if you were retested in four months you should also know, because it's been said that this would be a value because we would prevent babies from being born with AIDS. In both New Hampshire and in figures from Massachusetts, all babies born with AIDS have been born to unwed mothers. Everyone was agreed in telling us that the emphasis on voluntary testing would be just as effective in a data base. Even in the western block, if you had testing and you were retested, one half will still be false positive. That's the danger to rushing into this prematurely. You have false negatives; you have false positives. Out of 22,000 people in New Hampshire who are married every year, one out of 10,000 will be positive. You'll get 220 false positives. The bill, very carefully, has a confidentiality section. This time lag for the western block will breach confidentiality. Everyone who testified in favor of the bill, with very few examples, opposed the amendment. We had a priest, I thought very interestingly enough, from Salem who came and opposed this bill, and said, he does marriage counseling. He said how can you counsel a couple in 45 days, which is the time period, for this test?

SENATOR BARTLETT: Senator Krasker, you're familiar with the center for disease control in Atlanta?

SENATOR KRASKER: I know what I've heard about it, yes.

SENATOR BARTLETT: It's my understanding that they're doing quite a bit of work in the AIDS area. Is that correct?

SENATOR KRASKER: They are gathering data and they're issuing communiques and providing information.

SENATOR BARTLETT: Would you care to comment on the rumor that they were aware for two years that AIDS was being spread by the needles used by habitual drug offenders, habitual drug people?

SENATOR KRASKER: I don't know about that, but in the information, President Bartlett, that we were given, in anticipation of the hearing by the Division of Public Health Services, that was part of the information that was given to us. That yes, AIDS is being spread by those who use infected needles and that, in effect, is one of the high risk groups.

SENATOR BARTLETT: Well, did the report to you indicate that they weren't sure of what they were doing down there, so they sort of held it for two years without releasing any information regarding the possibility of transmitting AIDS by needles?

SENATOR KRASKER: It was never brought up, we were never given any information.

SENATOR BARTLETT: If that be true, do you think they might do the same thing if the AIDS starts to spread to heterosexuals and children?

SENATOR KRASKER: There are cases of AIDS being spread to children as I said, but none of them, to my knowledge based on the information I received at the hearing last week, have been born to other than unwed mothers.

SENATOR BARTLETT: You referred to inaccurate tests given for low risks and yet you profess that it's a good idea to give it to high risk. Is it any more traumatic to be a high risk and be found false testing on AIDS, as it is to be on the low risk?

SENATOR KRASKER: Heretofor, the people who are at high risk have voluntarily taken the test. I think they should be encouraged to do it and that's part of the educational program. I'm not opposed to

testing on a voluntary basis and that certainly is a point that came out at the hearing. We're not against, or my committee that voted this way, is not against testing; only against the mandatory testing which tests the group least at risk and taxes the very limited resources we have to look for AIDS in the group that's least likely to have it.

SENATOR BARTLETT: If I understand the amendment, is it not true that the cost for the original testing will be paid by those being married. It does not come out of the \$665,000?

SENATOR KRASKER: In response to your question, they would be paying for the original test. There's nothing that talks about the cost for retesting or the counseling that's going to be necessary if someone, who is free of AIDS, gets a positive test report. It's so traumatic and the bill doesn't address those parts at all.

SENATOR BARTLETT: Is it not traumatic to be tested for AIDS and have AIDS, if you are one of the innocent groups?

SENATOR KRASKER: I don't think I understand the question.

SENATOR BARTLETT: Well, if someone were tested for AIDS and actually had AIDS and thought they were of the low risk group, would that not be equally as traumatic?

SENATOR KRASKER: I think it's traumatic for anyone because it can amount to a death sentence. Out of the 22,000 people who would be tested, the statistics indicate that 2 out of 22,000 would have AIDS.

SENATOR CHANDLER: Senator Krasker, would you tell me, for my information, in the original bill, what they're going to do with the \$664,000? What are they going to do with that money?

SENATOR KRASKER: The majority of the funding would go for education, which is the most effective way to fight AIDS, to keep it from spreading. The remainder of the funding would go for new positions to increase the State's capacity to do in-State testing. I do have a breakdown here if you'd like to see it.

SENATOR CHANDLER: Don't you think that everybody knows about AIDS and everybody's aware of it already?

SENATOR KRASKER: I wish that were true, but I don't think it is at the present time.

SENATOR DUPONT: Senator, if I remember back to when we both agreed to be sponsors on this original bill, one of the things that impressed me the most was the urgency for the need for this bill and the more that I've learned about the problem and the more that I read and see on TV, I begin to realize that the potential for an epidemic in our society exists with the spread of AIDS. If the potential was here with this testing to take one person or five people or ten people out of our society that have AIDS, make them aware of the problem so that they do not continue to spread the disease amongst the rest of the population, wouldn't there be a worthwhile reason for having this testing?

SENATOR KRASKER: My feeling is that if we're going to expend additional funds, the best use of those funds is with the high risk population and not with the low risk population.

SENATOR NELSON: Senator Dupont, I noticed that this amendment contains \$200,000, could you explain what that \$200,000 will be used for?

SENATOR DUPONT: Senator, it's my understanding that it deals specifically with section 3 of the bill, which is the portion of the bill that we added the marital testing for and if my memory serves me right, it was for back-up testing for those that test positive.

SENATOR NELSON: Senator, I guess I'm not clear with what I'm hearing?

SENATOR DUPONT: I'd like to check that to be sure because I'm not certain on that.

SENATOR NELSON: I'm not sure what you're checking?

SENATOR DUPONT: On the issue of the additional appropriation of \$200,000.

SENATOR NELSON: Ok. Senator, this may be a little premature on that you're going to let us know what the \$200,000 will do. It seems to me, that we will be setting up a department here and will we need personnel to charge this fee to collect the fees and all that? Is that going to be additional money in the next biennium?

SENATOR DUPONT: No it isn't, Senator. There are already existing people that have tried to make an attempt to get this problem under control. The bill that you have in front of you is to expand the existing program that's already there.

SENATOR NELSON: Senator Dupont, do you think we'll have this information before we vote on this?

SENATOR DUPONT: I'm going to walk out and get it right now for you Senator. It's not my amendment. It was sponsored by another member of this body and I wasn't involved in the drafting of it.

SENATOR MCLANE: I think I'd like to speak first to the funding of this bill. The testimony that we had was that the \$10.00 fee times 22,000, and they figured just 20,000, is where the \$200,000 came from. All the fee does is pay for the initial test and, to repeat, the money is not there for the second test, nor is the money there for counseling for anyone who receives the false positive. I think I'd like to tell you where the figures come from that mean that two people out of the 22,000 to get married in the next two years would be found to have AIDS. That comes from one of the reasons for the amendment and I speak in strong opposition to the amendment is that the number of people tested would produce two cases of AIDS and 218 false positives. That information comes from the blood testing that is now taking place for those people who give blood, who are typically the same age group and the same sort of people as would be getting married. But, there's a difference between giving blood and getting married. You don't have to give blood and it's not against your civil liberties if you're not allowed to give blood. But many times people have to get married. I don't mean just a third of marriages that go to the altar before the babe is born. I mean that when people set about to get married, they have to get a tent six months before the wedding. Rhonda knows that, I know that, all of us who have given weddings, you have to rent a tuxedo a least three months before the wedding in order to be sure that they have the sizes for all your groomsmen. You have to make a plan. So what do you do at the last minute, you go and get a blood test, a month and a half before the wedding. If you are one of those 218 people who test false positive, the town clerk knows it, your new wife knows it, your new wife's mother knows it, your doctor knows it by the bill and you are in one mess. This is what we'd be doing next year to 218 people getting married, which is 440 couples and 220 mothers-in-law. Just start thinking about the ramifications of this problem.

Now the last thing that I want to say is that the only person to come to the hearing was Linden LaRouche's doctor and if any of you met him in the halls as he crept around the last two days, you would know that if that's the kind of people you have on your side, I would far rather take the fine pastoral counselor who runs Public Health,



the entire medical society, my own doctor who just called me on the phone and I told him I couldn't speak because I was fighting the bill that he cared so deeply about. This is a disaster of a bill. There is no one here that's going to vote for it that listened through the whole hearing. So I will stop with this, is that if politics has come to such a point in this State that the Governor is twisting arms over an amendment that is wrong, then we've come to a sorry political state.

SENATOR BARTLETT: Senator McLane, would you believe that I believe that when you say the Governor is wrong, that the Governor doesn't agree with you?

SENATOR MCLANE: I do.

SENATOR BARTLETT: Would you further believe that I don't believe what you're talking about in this doctor, because the mere fact that he appeared did not change your mind and that if he appeared before a piece of legislation that you favored you would not oppose that because whatever his name was appeared before you.

SENATOR MCLANE: You're trying to say that the LaRouche thing is a red herring and I am saying that that is not true. I got three creepy calls last night on the phone, and I mean creepy, from people who started to tell me that you got AIDS from saliva. I hung up on one of them and I said "you creep" and I slammed down the phone and my husband said to me, "who are you talking to that you would do that?". But, I'm not kidding. I feel that you have lined up on one side some very, very odd people who are not scientifically informed.

SENATOR BARTLETT: If I had a piece of legislation that I would like you to vote against would you suggest that I find three creepy people to call you up at night.

SENATOR MCLANE: I would hate to think that you had anything to do with the telephone calls that I got last night!

SENATOR BARTLETT: I don't think they'd be in the same manner!

SENATOR JOHNSON: Senator McLane, are you confirming the saying that politics makes strange bedfellows?

SENATOR BOND: I'd just like to underscore what Senator Krasker just said and what Senator McLane has said. Number one, this is a question of resources. We're talking about 22,000 tests a year. We're

talking about 220 positives of which 218 statistically would be false, which means 218 people would be highly stressed for no rightful reason. Until the tests are more accurate we need more time. When those tests are delayed in their return to the town clerk, everybody in town knows they didn't get back in the normal low time for an AIDS tests. It becomes, then, publicly suspect. So, confidentiality would be impractical. The people we heard from, we heard from several very reputable politicians including the President of the Senate and the Speaker of the House I'd like to add. We heard from the Governor's attorney and they were all very sincere and well intended. However, based on the technical evidence that we heard from both members of the medical society and others, it does not appear that this is a proper direction for us to send State resources at this time. I would urge that you defeat the amendment.

SENATOR HOUGH: I rise in opposition to this amendment and I do so after listening to the very well presented and well balanced approach that Senator Bond has just outlined. The facts are, that this bill has become, in the last hour or two, a highly political situation and I don't like Attorney O'Neal from the Governor's office out in the anteroom bringing up something in the eleventh hour that need not be brought out. I don't like John Sununu, at this point in time, trying to influence the decisions of this body. I respect the Senate President and I respect the Speaker of the House and I respect John Sununu, but this body has set a new tone this session of the legislature. We know some of the issues that John Sununu supports. We discuss them with him and we discuss that position. But to get down here in the eleventh hour, after a policy committee has looked at an issue and chose not to go forward with it and has struck the position of this Senate and then have to reconsider our actions, is an admission that we are not in control of our own destiny in this body. For that reason, the policy has been made, stick to it and vote this motion down.

SENATOR NELSON: I was wondering if I could have the answer to that question before we vote from Senator Dupont.

SENATOR DUPONT: The issue of the \$200,000 is that basically the \$200,000 will be used for the same purposes that the original \$664,000 is used for. Basically, the \$200,000 was put in there so it would not affect the money that's going to be used for the high risk group.

SENATOR NELSON: So that's an addition?



SENATOR DUPONT: That's correct, Senator.

SENATOR NELSON: On page two of the bill, on C, it says if a party is tested serological positive, the statements required under this paragraph shall not be issued to the town clarified until both parties have certified in writing. What if they never certify in writing? If a person doesn't certify in writing, has a positive test for AIDS, can they be married?

SENATOR DUPONT: It's my understanding that, yes, they can.

SENATOR NELSON: What is the purpose of this amendment then?

SENATOR DUPONT: The amendment is to provide a warning to both parties if one member does have test positive and also to provide counseling in case of positive test.

SENATOR NELSON: And they can get married?

SENATOR DUPONT: It's my understanding yes, Senator.

SENATOR MCLANE: Let's look at this \$200,000. I think your explanation is incorrect, in that, a couple goes to the town clerk, they pay their ten dollars, they get the blood test through the Public Health labs which have been set up under the other money, the ten dollars goes to process the one test so it's ten dollars for each one of them.

SENATOR DUPONT: That's correct.

SENATOR MCLANE: Therefore, that money then goes into the General Fund and \$200,000 is appropriated to pay for the first test. There's nothing that's going to set up the labs. But the money is going to just pay for the test of the married couple?

SENATOR DUPONT: If you say so, Senator, then I'll agree with you.

SENATOR ST. JEAN: It's my understanding, Senator, that if an individual wants to donate blood, as part of donating blood they run an AIDS test on that blood that that particular individual is donating. Do you know that to be the case Senator?

SENATOR DUPONT: That's the case, Senator, and this is the same test that we're talking about today.

SENATOR ST. JEAN: Wouldn't it be a lot cheaper if we encourage people to donate blood before they get married and throughout their married life, rather than creating this whole bureaucracy, Senator?

SENATOR DUPONT: Well, we could amended the bill to mandate that you give a pint of blood before you get married or give the pint of blood after you get married Senator. I don't know, that's the issue. The test is no different than what's given when you donate blood and there's no opposition to that, at this point in time.

#### Floor Amendment to HB 322-FN-A

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to the AIDS virus and making an  
appropriation therefor and relative  
to blood tests before marriage.

Amend the bill by inserting after section 2 the following and renumbering the original sections 3-5 to read as 4, 5, and 6 respectively:

3 Added Requirement; Blood Test. Amend RSA 457:23, II and III to read as follows:

II. A copy of the final divorce decree, if either or both parties are divorced; [and]

III. A copy of the death record of spouse, if either or both parties are widowed[.]; and

IV. Except as provided under subparagraph (c), a statement signed by a licensed physician that both parties have undergone a blood test for the presence of an antibody or antigen to a human immunodeficiency virus as defined in RSA 141-F:2. Such statement shall not include the results of the tests. The following provisions shall apply:

(a) The provisions of RSA 141-F shall apply to all tests for the presence of an antibody or antigen to the human immunodeficiency virus conducted under this paragraph.

(b) Testing shall be performed within 45 days of the filing of the notice of intention to marry as required under RSA 457:22.

(c) If a party tests serologic positive, the statement required under this paragraph shall not be issued to the town clerk by the physician until both parties have certified in writing to the physician that the test results have been disclosed to them. Both parties shall be provided with appropriate counseling.

(d) The division of public health services shall charge a fee of \$10 for each test which it performs under this paragraph.

Amend the bill by replacing section 5 with the following:

5 Appropriation.

I. The sum of \$664,763 for the fiscal year ending June 30, 1987, is hereby appropriated to the division of public health services, department of health and human services, for the purposes of sections 1, 2, and 4 of this act. This appropriation shall be in addition to any other appropriation made to the division of public health services. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

II. The sum of \$200,000 for the biennium ending June 30, 1989, is hereby appropriated to the division of public health services, department of health and human services for the purposes of section 3 of this act. This appropriation shall be in addition to any other appropriation made to the division of public health services. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Amend the bill by replacing section 6 with the following:

6 Effective Date.

I. Section 3 of this act shall take effect on October 1, 1987.

II. The remainder of this act shall take effect upon its passage.

Roll Call requested by Senator Chandler.

Seconded by Senator Stephen.

Those in favor: Senators Hounsell, Heath, Freese, Dupont, Chandler, Disnard, White, Charbonneau, Podles, Johnson, Stephen, Bartlett and Delahunty.

Those opposed: Senators Bond, Hough, Roberge, Blaisdell, Pressly, Nelson, McLane, St. Jean, Torr, Preston and Krasker.

13 Yeas

11 Nays

Floor Amendment Adopted. Ordered to Third Reading.

HB 347-FN-A, Relative to the dental hygienist program at the New Hampshire technical institute and making an appropriation therefor. Ought to Pass. Senator Hough for the Committee.

SENATOR HOUGH: The committee on Finance supports the committee on Education and feels that this self funding program out of tuition should be passed, at the Concord Institute.

Adopted. Ordered to Third Reading.

HB 458-FN, Relative to the disposition of fines and forfeitures collected for violations of municipal ordinances, codes and regulations. Ought to Pass. Senator Podles for the Committee.

SENATOR PODLES: HB 458-FN returns to the cities and towns monies received from fines and forfeitures that come from violations out of various municipal ordinances, codes or regulations. The amount is only the net penalties for local ordinance violations, after deducting all court expenses and the committee recommends ought to pass.

Adopted. Ordered to Third Reading.

HB 552-FN, Relative to deputy sheriffs and making an appropriation therefor. Ought to Pass. Senator St. Jean for the Committee.

SENATOR ST. JEAN: This increases the deputy sheriffs daily rate from \$40 to \$50 an hour. We feel, in Senate Finance, that it's a small increase and it's well worth it.

SENATOR NELSON: Senator St. Jean, do you know how many days a year these people are being paid?

SENATOR ST. JEAN: It's my sense that they are paid between 2-1/2 and 3-1/4 days a year on an average, Senator.

Adopted. Ordered to Third Reading.

HB 255-FN-A, Dedicating a portion of the federal Wallop-Breaux funds with the state matching funds for the establishing of boat launching access and making an appropriation therefor. Ought to Pass. Senator St. Jean for the Committee.

SENATOR ST. JEAN: This bill was heard in Senate Finance. It appropriates \$75,000 out of General Funds revenues, which in turn we receive \$225,000 from the federal government. Wallop Breaux funds insure and purchase access to various rivers throughout the State. The reason we're using General Fund money is that everybody would be allowed to use the access ways that Fish and Game will be purchasing. It's a good piece of legislation and we urge passage.

Adopted. Ordered to Third Reading.

HB 263-FN-A, Establishing the arts development program and making an appropriation therefor. Ought to Pass. Senator St. Jean for the Committee.

SENATOR ST. JEAN: This is the rural arts program, as I understand it, and it appropriates money so those individuals in the northern parts and in the outlying areas are afforded the opportunity to learn about the creative aspects of culture.

Adopted. Ordered to Third Reading.

HB 273-FN-A, Relative to congregate services program and making an appropriation therefor. Ought to Pass. Senator Podles for the Committee.

SENATOR PODLES: HB 273 establishes a model program under Manchester Housing Authority that provides services of decent housing and decent life to the frail elderly that are in nursing homes or in scattered apartments throughout the greater Manchester area. The bill appropriates \$120,000 each year and the committee recommends ought to pass.

Adopted. Ordered to Third Reading.

HB 288-FN-A, Establishing an office of victim/witness assistance and making an appropriation therefor. Ought to Pass. Senator Torr for the Committee.

SENATOR TORR: HB 288 creates an office of victim/witness assistance within the criminal justice bureau of the Department of Justice. It provides for \$34,000 in General Fund appropriation in each year of the biennium to match an equal amount from federal funds. The committee recommends ought to pass.

Adopted. Ordered to Third Reading.

HB 296-FN-A, Relative to securities filing and examinations and making an appropriation therefor. Ought to Pass. Senator Delahunty for the Committee.

SENATOR DELAHUNTY: This bill passed the Senate last week and was sent to Finance. It was reviewed by Finance and sent back up unchanged. Senate Finance recommends ought to pass.



Adopted. Ordered to Third Reading.

HB 586-FN, Relative to mooring of boats on certain lakes in New Hampshire. Ought to Pass. Senator McLane for the Committee.

SENATOR MCLANE: This is the bill on boat moorings that has gone through the policy committee and then down to Senate Finance. There would be a \$25.00 charge on every boat mooring and a registered mooring. I think it is very obvious that our lakes need this legislation. It is confined to the five largest lakes.

Adopted. Ordered to Third Reading.

HB 607-FN, Increasing the personal needs allowance for recipients of medical assistance residing in nursing homes, and making an appropriation therefor. Ought to Pass. Senator Podles for the Committee.

SENATOR PODLES: HB 607 increases the personal needs allowance for recipients of medical assistance residing in nursing homes from \$30 a month to \$35 a month, and also provides for personal needs allowance of \$35 for shared homes in community residences. The committee recommends ought to pass.

Adopted. Ordered to Third Reading.

HB 629-FN, Relative to the administration and investments of the New Hampshire retirement system. Ought to Pass. Senator Hough for the Committee.

SENATOR HOUGH: The Senate Finance committee looked at this bill, agreed with the actions of the policy committee and supported it as is. It allows the trustees of the retirement system to make investment decisions in other securities instruments and allows them to obtain the services of special expert counsel, as needed on investment matters. The committee supports the position of the bill.

Adopted. Ordered to Third Reading.

HB 630-FN, Relative to the reduction in benefits for group I members of the New Hampshire retirement system who retire before age 60. Ought to Pass. Senator Torr for the Committee.

SENATOR TORR: HB 630 changes the reduction in the service time allowance which a group I member receives, who is at least 50 but not 60 years of age. Funding for the additional benefits for the current group I members is currently funding from the special ac-

count and funding for persons joining group I after July 1, 1987 shall be as provided under present law. The committee recommends ought to pass.

Adopted. Ordered to Third Reading.

HB 696-FN, Relative to interest payment calculations under the New Hampshire retirement system and making an appropriation therefor. Ought to Pass. Senator Delahunty for the Committee.

SENATOR DELAHUNTY: HB 696, an act relative to interest calculations under the New Hampshire retirement system, merely changes the method of calculating interest. It changes it from an annual basis to a monthly basis. The committee recommends ought to pass.

Adopted. Ordered to Third Reading.

HB 217-FN, Relative to nursing home care costs paid by counties. Inexpedient to Legislate. Senator Podles for the Committee.

SENATOR PODLES: HB 217-FN reduces from 61.5% to 50% the share which the counties must reimburse the State for public assistance to recipients in nursing homes. The budget does just the reverse. It keeps it at 61.5%. There's no need for the bill and the committee recommends inexpedient to legislate.

Senator Bond moved to substitute Ought to Pass

SENATOR BOND: If this is ought to pass, Senator Disnard has an amendment, which would establish an amount of one dollar so that this could go to a committee of conference with the House. If you kill this, you may not recall what I had to say about it the other day, but prior to 1981 there was a 50/50 split between the local county budget and the State budget for federal, county and state costs for nursing home care. Because of the financial crunch in the early 1980's, that went to 62% for counties and 37% for the State. It's presently 61.5% for the county and 38% for the State. The intent of this is, since the federal support is going down, that the county and the State have at least an equal burden for the cost of nursing home care. This amounts to a four million dollar savings on the property tax and if you'll recall, when the transfer tax increased and the business profits tax increased, the other place they went to was the property tax through the counties by cutting the State's share of county nursing home care. Therefore, it is right that now we're correcting the



transfer tax cost and business profit tax that we also address the cost warned by the property tax, at that time, when we had to bail out the State. So, I would urge you to vote ought to pass.

SENATOR DUPONT: Senator Bond is a member of the Senate budget watchdogs, better known as the whoopies. Would you please tell us where, if we're to continue to have a fiscally conservative State budget, where would you like to take the eight million dollars to fund this from? You've got the foundation aid, catastrophic aid you can take it out of or you can take it out of a number of different programs that also provide direct tax relief to the communities. So, I think I need some guidance so you can tell me where I can find the eight million dollars to fund this.

SENATOR BOND: I'm afraid I'd have to sit down with you and go through there to find the eight million dollars, Senator Dupont.

SENATOR DUPONT: Would you believe that after a great deal of deliberation, that we found ourselves dead-ended as to where we could come up with the money to pay for this? There's nothing I'd like better to further reduce property taxes by putting more money in the budget that's going to directly impact property tax, but the bucket is empty.

SENATOR BOND: Senator Dupont, I would believe that, but I would like us to have the opportunity to at least get to the committee of conference.

Motion Lost.

Question: Inexpedient to Legislate

Adopted.

HB 104-FN, Relative to sunset review of the office of state planning and consolidating the functions of the office of state planning in a new RSA chapter. Ought to Pass with Amendment. Senator Hough for the Committee.

SENATOR HOUGH: The committee on Finance reviewed the bill as it came to us from the policy making committee and we found no exceptions to it. We are reporting it back as ought to pass.

SENATOR BOND: HB 104-FN in its amendment, what would effectively be new policy for the State and I just think the body should be aware of it. In the amendment it says; "no water resource management protection plan shall become effective as part of the master

plan of zoning ordinance unless prior to its adoption by the municipality, the Office of State Planning finds that it is consistent with the criteria established by the office. The office maintains that they do not have the resources and that this is a major change in the policy of the State. I would think that you should be aware of that before you vote for the amendment.

SENATOR HOUNSELL: I rise in support of the amendment and to further speak to what Senator Bond just alluded to, that being the amendment that appears on page 6 of your calendar. The issue here is whether or not you want to hold a public hearing on the first section. It refers to RSA 541 which is the administrative rules act, which provides for public hearing. I think that as we're trying to set standards that communities can adopt zoning laws and requirements that this is indeed conducive and similar to other legislation. The language is suggestive model language. It's to help communities to help themselves develop their zoning. Earlier we passed a House Bill, I think it was 196, to offer municipal planning assistance from the Office of State Planning to municipalities. All due respect to John Dabuliewicz in the Office of State Planning, I believe they have adequate staffing under that initiative and I think they have adequate staffing to carry out this. I think this is very much needed and urge the support of this body.

SENATOR ST. JEAN: My understanding, Senator, is that what this does is it brings state planning under the Administrative Procedures Act, which with both feel is really quite important?

SENATOR HOUNSELL: That's correct, Senator.

#### AMENDMENT TO HB 104-FN

Amend RSA 4-C:20, I as inserted by section 3 of the bill by replacing it with the following:

I. The office shall adopt rules under RSA 541-A relative to criteria for water protection and suggested model language to guide municipalities in the development of local water resource management and protection plans as provided in RSA 674:2, VIII, and other appropriate protection measures. Such criteria and model language shall reflect the experience of regional planning commissions and councils, hereinafter referred to as regional planning agencies.

Amend RSA 4-C:22, I as inserted by section 3 of the bill by replacing it with the following:

I. Through participation in the water protection assistance program, each municipality shall be encouraged to prepare, adopt, and include in its master plan a local water resources management and protection plan, hereafter referred to as the local water plan, which is consistent with the criteria established by the office under RSA 4-C:20. Prior to adoption by a municipality, the local water plan shall be submitted to the office for verification that the plan is consistent with the established criteria. In accordance with recommended procedures for effective master planning which call for continuing evaluation, and in accordance with the provisions of RSA 674:2, the local water plan shall be reviewed and updated from time to time as changed conditions and new information justify. Revisions to the local water plan shall be submitted to the office, prior to adoption, for review and comment regarding consistency with the office's established criteria. No water resources management and protection plan shall become effective as part of the master plan or zoning ordinance unless, prior to its adoption by the municipality, the office of state planning finds that it is consistent with the criteria established by the office.

Amendment Adopted. Ordered to Third Reading.

HB 152-FN, Relative to sunset review of the board of education administration and support, establishing a program for administrator excellence, and relative to catastrophic aid. Ought to Pass with Amendment. Senator Hough for the Committee.

SENATOR HOUGH: This is the amendment relative to catastrophic aid as found in your calendar. It does what was explained earlier in the day, when we discussed that section of the budget. We need this amendment on this Education bill to give us the statutory authority to go forward with the agreements that we have arrived at throughout the session, relative to catastrophic aid.

#### AMENDMENT TO HB 152-FN

Amend the title of the bill by replacing it with the following:

##### An Act

relative to sunset review of the board of education -  
administration and support, establishing a  
program for administrator excellence,  
and relative to catastrophic aid.

Amend the bill by replacing section 1 with the following:

1 Sunset; The Board of Education - Administration and Support Renewed. The board of education - administration and support, PAU 060301 is hereby renewed to comply with RSA 17-G. The agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

Amend the bill by replacing section 3 with the following:

3 Addition of Program for Administrator Excellence. Amend the introductory paragraph to 1985, 317:6 to read as follows:

317:6 Excellence in Education Program. The department of education with the help of the steering committee and the action committee shall study how to best establish the following [3] 4 programs:

4 New Paragraph; Program for Administrator Excellence. Amend 1985, 317:6 by inserting after paragraph III the following new paragraph:

IV. A program for administrator excellence that shall include activities such as:

(a) Development of a model state plan to train new and retrain existing administrators to achieve excellence in schools.

(b) Support for selected local districts in implementing local plans aimed at training school administrators.

(c) Development of principal assessment centers to help identify people with leadership skills.

(d) Develop diverse model programs such as clinical experience in school leadership and management as a key element in the training or certification of school administrators.

(e) Develop a system to evaluate administrators effectively and accurately.

(f) Develop with higher education institutions a review of current education administration programs to ensure appropriate training of school leaders, as schools reorganize administrators will need to know and do much more than has been expected in the past.

(g) Develop ongoing in-service training programs for school administrators to improve their skills and keep them up to date on new educational practice, especially those related to school improvement.

(h) Develop as a part of the training of administrators a program of school approval based upon effective schools research and state board of education approved criteria aimed at excellence in education; implementation of said program would require specific training of administrators.

(i) Support staff for the governor's steering committee for excellence in education.

5 Catastrophic Aid; Limit of Costs. Amend RSA 186-C:18, III, to read as follows:

III. The state shall appropriate not less than \$1,000,000 for each fiscal year to assist school districts in meeting catastrophic cost increases in their special education programs. The state board of education through the commissioner shall distribute aid available under this paragraph to such school districts as have a special education pupil for whose costs they are responsible, for whom the costs of special education in the fiscal year exceed [\$9,000] 3 1/2 times the state average expenditure per pupil for the school year preceding the year of distribution [in a fiscal year]. The amount to be distributed to a school district under this paragraph shall be determined through the following formulae:

$$\begin{array}{lll}
 \text{(a)} & \frac{\text{(State equalized valuation per pupil)}^2}{\text{(Cost of catastrophic aid students in district)}} & \times \frac{\text{(District equalized valuation per pupil)}}{\text{District catastrophic aid factor}} \\
 \text{(b)} & \frac{\text{(District catastrophic aid factor)}}{\text{(Catastrophic aid appropriation)}} & \times \frac{\text{(State catastrophic aid factor)}}{\text{District catastrophic aid share}}
 \end{array}$$

provided that the amount of catastrophic aid for a district requiring such aid shall not be more than 80 percent of catastrophic costs exceeding \$9,000 per pupil for that district. If there are unexpended funds appropriated under this paragraph at the end of any fiscal year, such funds shall be distributed according to the equalizing formulae established in paragraph II. The "cost of catastrophic aid students in district" as used in this paragraph shall include the total cost, i.e., both the [\$9,000 sum] 3 1/2 times the state average expenditure per pupil for the school year preceding the year of distribution which must be exceeded to be eligible for aid under this paragraph and any sums in excess of [the \$9,000] such expenditure limit. The state may designate up to \$250,000 of the funds which are appropriated as required by this paragraph, for each fiscal year to assist those school districts which, under guidelines established by rules of the state board of education, may qualify for emergency assistance for special education costs. Upon application to the commissioner of education, and approval by the commissioner, such funds may be accepted and expended by school districts in accordance with this chapter; provided, however, that if a school district has received emergency assistance funds for certain educationally handicapped



children, it shall not receive catastrophic funds for those same educationally handicapped children. If any of the funds designated for emergency assistance under this paragraph are not used for such emergency assistance purposes, the funds shall be used to assist school districts in meeting catastrophic cost increases in their special education programs as provided by this paragraph.

6 Payment Date. Amend RSA 186-C:18, VI(a) to read as follows:

(a) Catastrophic aid payments under paragraph III on or before [August 30] January 1. School districts shall submit their catastrophic costs to the state board of education by June 30 of each fiscal year. The state board of education shall then verify the cost and distribute the appropriate amounts for the previous fiscal year on or before [August 30] January 1 of each fiscal year.

7 Effective Date. This act shall take effect upon its passage.

Amendment Adopted. Ordered to Third Reading.

HB 326-FN-A, Establishing homemaker services for certain persons and making an appropriation therefor. Ought to Pass with Amendment. Senator Podles for the Committee.

SENATOR PODLES: HB 326 establishes a homemaker services for those persons who need home care. The amendment adds one dollar appropriation. The committee recommends ought to pass with amendment.

SENATOR PRESTON: Senator Blaisdell, the homemakers program, we've had a lot of increase. I'd say fifty letters and notes a piece from everybody and the homemakers, Senator, you're familiar with, allows some people to remain in their homes whether it's for the making of beds or cooking a lunch or the alternative is a nursing home which is very, very expensive. Now, the question is, we're just about to pass this bill with one dollar. Can you tell me what's going to happen?

SENATOR BLAISDELL: Senator Preston, I know the concerns of this Senate. They were shown in Senate Finance and Finance is concerned. You know the money in that bill is around one million five. We could not come to an agreement. I talked to the sponsors from the House, Representative Hager. I said I will put a dollar in the bill. I will get it to the House so it will go to a committee of conference. I think it's important. That's why I put the dollar into the bill. I got the agreement, as the House has been doing to us after time, after time,

after time, after time, putting a dollar in the bill and getting it over to us. This is exactly what I've done, Senator Preston.

SENATOR PRESTON: Senator, can you assure us that our committee of conferees will address this with a sufficient amount of money to respond to the concerns of some of these people.

SENATOR BLAISDELL: Senator Preston, I'm not sure I'm going to be on that committee of conference because it'll be a committee of conference on the bill itself. If you're talking about Senator Blaisdell's vote, which is one, certainly I would agree with you.

SENATOR PRESTON: Senator Bartlett, can you assure us that we'll address this problem in a manner you think will be satisfactory for those that need the homemakers and our concern about it.

SENATOR BARTLETT: Senator Preston, you and I have been here long enough. The only way that you can ever address anything satisfactory to the sponsors, is to do the whole funding, whether there's justification for it or not. What I can assure you is that one of the sponsors to the bill asked me if we would send it out with one dollar so that we could sit down and find out what was a reasonable figure that both bodies could agree on. I will appoint a committee of conference I hope will be fair in addressing the issue.

#### AMENDMENT TO HB 326-FN-A

Amend the bill by replacing section 4 with the following:

4 Appropriation. The sum of \$1 is hereby appropriated to the division of elderly and adult services, department of health and human services for the biennium June 30, 1989, for the purposes of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Amendment Adopted. Ordered to Third Reading.

HB 355-FN-A, Relative to the assumption of local probation functions by the state and making an appropriation therefor; determining financial liability for certain educationally handicapped children under the supervision of the division for children and youth services and making an appropriation therefor; relative to special education and certified programs for children and youth in out-of-home placements and relative to foster family homes and making an appropriation therefor and establishing a committee on foster families. Ought to Pass with Amendment. Senator Podles for the Committee.



SENATOR PODLES: HB 355 rolls four bills into one package. It established a mechanism to cost containment. Three of the bills deal with an appropriation. HB 318, which is Education, has 1.5 million dollars. HB 355 probation is 1.6 million the first year and 1.7 million the second year. HB 293, which is foster care, has an appropriation of \$1.00. The committee recommends ought to pass.

SENATOR JOHNSON: What effect will this amendment have on the cost of local school districts or those coded students, who are also in the court system?

SENATOR PODLES: Senator Johnson, it's three times. I didn't find it in the bill, but I did find it in my notes. It's three times which is 9,000. There's a cap. Everything above \$9,000 the State will pay.

SENATOR JOHNSON: I need to know if that's a bill that each school will be handled under that circumstance or is it up to three times?

SENATOR PODLES: The cap is three times the State's average cost per pupil up to.

SENATOR JOHNSON: Can somebody point that out to me in the bill as amended so I'll know that for sure?

CHAIR: The bill in front of you is not the correct bill. The correct bill is the one that's in the Senate Journal of April 30, 1987.

SENATOR PODLES: The answer, Senator Johnson, to your question is three times the State average cost per pupil shall be the liability of the Department of Education. So, therefore, there is a cap. It's \$9,000 and anything above that they pay.

#### AMENDMENT TO HB 355-FN-A

Amend the bill by replacing section 43 with the following:

43 Appropriation. The sums of \$145,394 in general funds, \$48,469 in county funds, and \$136,105 in federal funds are hereby appropriated for the fiscal year ending June 30, 1988, and like sums for the fiscal year ending June 30, 1989, to the division for children and youth services for the purpose of increasing the compensation for foster family homes during the biennium. This amount appropriated is in addition to the amount allotted to the division for such payments during the annual budget process. The governor is authorized to draw his warrant for said sums out of the appropriate funds.

Amendment Adopted.

SENATOR NELSON: Senator Disnard, in light of the budget we passed this afternoon, is there any direct negative affect on this bill, 355? Specifically, the fact that we didn't fund catastrophic aid?

SENATOR DISNARD: Catastrophic aid is not addressed in 355.

SENATOR NELSON: Is this bill, at all, affected in terms of its effectiveness at the community level, if the catastrophic aid isn't funded to the maximum?

SENATOR DISNARD: In my opinion, no. This addresses a court-ordered placement. Up 'til now, the school districts were not assured what their obligation would be unless they went to court. The judge had complete control. This way, the districts will know in advance, they will have to pay up to three times the State average cost for those placements. Anything above that, even if the State doesn't appropriate the money, the districts are not responsible.

Ordered to Third Reading.

HB 695-FN, Relative to committal orders for persons found not guilty by reason of insanity. Ought to Pass with Amendment. Senator Roberge for the Committee.

SENATOR ROBERGE: HB 695-FN does two things. First, it provides a procedure whereby a person found not guilty by reason of insanity can be committed to the New Hampshire hospital, rather than simply released. There's no provision on this point in current law.

Second, and this is the amendment, it provides procedure in the probate court for the involuntary committal of the developmentally impaired, who have been charged with a felony or misdemeanor involving injury to person or persons, and who have been found incompetent to stand trial. The procedure can be initiated only through the attorney general or the director of the state mental health. The person subject to this procedure is entitled to legal counsel and judicial hearings and is entitled to notice to his right to counsel and entitled to appeal from probate court to superior court and he shall also be entitled at the hearing, to present witnesses on his own behalf and to have a closed hearing unless he himself requests otherwise. And to cross examine others including the psychiatrist upon

whose report the proceeding is based and a record shall be made and this is to be available. The maximum term of the court order issued under this bill is 5 years, subject to extension only after another full hearing. The subject may petition for modification or release sooner. Additional discharges are allowed, for instance a probationary release, with continued treatment. This can only be revoked after written notice and a hearing.

SENATOR PODLES: I have a letter that I would like to read into the record and it is signed by Donald Shumway, Director of the Department of Health and Human Services, and this is regarding HB 695 amendment.

"Dear Senator Podles;

I want to thank you for your very thoughtful review of the proposed amendments to HB 695-FN, regarding involuntary admissions of developmentally impaired persons. My original concerns that I described to the committee have been addressed through a cooperative discussion by Mr. Bruce Mole, Mr. Donald Pfundstein, Mr. John Wallace and myself. I understand that many of the other parties, who expressed reservation about the amendment, have also now been satisfied. I hope the committee is able to pass the amendment and again I thank you for your management of this issue.

Donald L. Shumway,  
Director

SENATOR BARTLETT: The amendment to HB 695 has been brought forth by a very tragic case down in the southeastern part of the State, where an individual committed a crime and murdered someone and was not committed because of the mental retardedness. Really, what this does with the work of the attorney general and our staff and the House staff, this has a loophole which will not allow people who have committed serious crimes to be released to do those crimes again because they are incapable because of their mental retardedness, to be tried in court. The attorney generals looked at this. They proposed it and it does close that loophole to protect society.

SENATOR NELSON: Senator Bartlett, it's my understanding that we are now, in this particular amendment, discussing an involuntary admission and that it does implicate liberties interest that there going to be some problems with liberties interest of some people and I wonder if you'd address that please.

SENATOR BARTLETT: There's no question, Senator, this is not going to be a voluntary commitment because the person who is being addressed in this probably does not have the mentality to understand voluntary or involuntary because they don't have the mental capabilities to be tried in court.

SENATOR NELSON: Could you perhaps answer the question again that I've asked and just in addressing involuntary admissions on this bill and its impact, for example, three people, if they are picked up. Is it possible under this bill anyone could be involuntarily committed with this amendment?

SENATOR BARTLETT: If they meet the criteria.

SENATOR NELSON: It is my understanding that there was a loophole that this amendment wanted to address and I'm sure that it has and we've heard some pretty awesome testimony. On the other hand, does it not create some other loopholes for some other people? In your judgement.

SENATOR BARTLETT: If there are, there are none that I'm familiar with.

SENATOR JOHNSON: On page 32 of the amended analysis, the first paragraph where it talks about a person found not guilty by reason of insanity and then after the hearing and so forth, it says the court shall commit the person to the secure psychiatric unit for five years. Is that intended to be an absolute period of time or is it five years whether you need it or not? What if they need more than five years?

SENATOR BARTLETT: I'm sure, Senator Johnson, that you're aware when the court makes a commitment, that the court can also reverse itself, at any time, upon a petition by the parties that feel they were grieved by the court's decision.

SENATOR JOHNSON: I know that there are, under some circumstances, a periodic review, is that built in to this provision?

SENATOR BARTLETT: It is built in. This is not intended to harm someone. This is intended to protect someone against the person going and committing a serious crime and going to court and saying, look you can't be tried, back on the street, commit the crime back and forth. I don't think we really want that.

SENATOR JOHNSON: No, I have no question with the intent at all. I support it. I just wanted to get clarification on that five year period.

### AMENDMENT TO HB 695-FN

Amend the title of the bill by replacing it with the following:

#### An Act

relative to committal orders for persons found not guilty  
by reason of insanity and to involuntary admissions  
under limited circumstances for the  
developmentally impaired.

Amend the bill by replacing all after section 1 with the following:

2 Definitions; Receiving Facility. Amend RSA 171-A:2 by inserting after paragraph XV-a the following new paragraph:

XV-aa. "Receiving facility" means any facility designated by the director pursuant to RSA 171-A:4, II.

3 State Service Delivery System. RSA 171-A:4 is repealed and reenacted to read as follows:

#### 171-A:4 State Service Delivery System.

I. The division shall maintain a state service delivery system, comprised of a substantial number of programs and services, including Laconia state school and training center, for the care, habilitation, rehabilitation, treatment, and training of developmentally impaired persons.

II. The state service delivery system shall also include such appropriate receiving facilities of the state mental health services system designated by the director for the care, habilitation, rehabilitation, treatment, and training of any person who is in such a mental condition as a result of developmental impairment as to create a potentially serious likelihood of danger to others.

III. The service delivery system shall be under the supervision of the director.

4 Voluntary Entry into Service Delivery System. Amend RSA 171-A:5 to read as follows:

171-A:5 Voluntary Entry into Service Delivery System. Applications for service shall be made by the developmentally impaired person seeking such service, and all placements shall be voluntary except for involuntary admissions ordered under RSA 171-A:20-49.



If the client is under the age of 18, the application for service may be initiated by a parent or legal guardian. If the client is over the age of 18 and has been adjudicated incompetent by the probate court, the application for service may be initiated by the court-appointed guardian. If the screening evaluation by the area agency recommends the residential placement of a minor or of a legally incompetent person, the hearing procedures established by the division under RSA 171-A:6 and 171-A:10 shall apply.

5 Withdrawal from Service Delivery System. Amend RSA 171-A:7 to read as follows:

171-A:7 Withdrawal from Service Delivery System. Except for a person admitted involuntarily pursuant to RSA 171-A:20-49, a client at any time may seek a change in placement or withdraw entirely from the service delivery system. A parent or legal guardian may seek a change of placement for or withdraw entirely a minor or ward in his custody at any time, unless such minor has reached the age of majority during such placement. The administrator shall notify the area agency of any such withdrawal and may, if appropriate, indicate in the client's record that such withdrawal was against professional advice.

6 New Subdivision; Involuntary Admissions for Developmentally Impaired. Amend RSA 171-A by inserting after section 19 the following new subdivision:

#### Involuntary Admissions

171-A:20 Jurisdiction. For proceedings under this subdivision, jurisdiction is vested in the probate court in the county where the person sought to be admitted resides or is detained. The probate court judge who presides at hearings held pursuant to this subdivision shall be reimbursed at the same per diem rate as court appointed referees in superior court pursuant to RSA 519:15.

171-A:21 Petition of State. Petitions under this subdivision may be filed only by the attorney general or his designee or the director or his designee. No petition under this subdivision shall be filed unless the person sought to be admitted has been charged with a felony or with a misdemeanor involving injury to persons and has been adjudicated incompetent to stand trial by the court.

171-A:22 Right to Legal Counsel. The right of a client or a person sought to be admitted to a program or facility to legal counsel prior to and during any judicial hearing conducted under this subdivision

shall be absolute and unconditional. The right to legal counsel for any client or person sought to be admitted during any judicial proceeding conducted under this subdivision shall be waived only if the client or person sought to be admitted makes an informed decision to do so.

171-A:23 Legal Services; Payment; Appointment. The client or person sought to be admitted shall pay the costs of the legal services in connection with hearings held under this subdivision. If the client or person sought to be admitted is unable to pay for counsel, the court shall appoint either a member of New Hampshire Legal Assistance, or its successor organization, or another attorney who shall be compensated for his services at the same rate as appointed counsel in a criminal action heard before the superior court.

171-A:24 Notice. Before any judicial hearing commences, the client or the person sought to be admitted shall be given written and oral notice, in a language he understands, of his right to be represented by legal counsel and to have legal counsel appointed for him if he is indigent.

171-A:25 Appeals from Probate Court. Notwithstanding any other provision of law, any person aggrieved by an order or decree of the probate court has a right to a review by the supreme court in the same manner provided for the review of cases heard before the superior court.

171-A:26 Receiving Facility; Rules. The director shall adopt rules, pursuant to RSA 541-A, relative to the criteria and procedures for designation of receiving facilities which receive clients for involuntary admissions under this subdivision.

171-A:27 Petition.

I. The petition for admission on an involuntary basis shall include:

(a) The name of the person sought to be admitted and his last known address.

(b) The specific acts or actions that the petitioner alleges satisfy RSA 171-A:31.

(c) A certificate from a physician who is approved by an area agency approved by the director or a receiving facility or a board certified psychiatrist, who has examined the person sought to be admitted within 5 days of the date the petition is filed and who agrees that, based on this examination, such person satisfies the requirements of RSA 171-A:31.



(d) The names and addresses of witnesses who can testify to the occurrence of the specific acts or actions of the person sought to be admitted which the petitioner alleges will satisfy the requirements of RSA 171-A:31.

II. The certificate of the examining physician made upon admission, if the person sought to be admitted is currently voluntarily admitted to a receiving facility, shall be sufficient as the physician's certificate for the petition for involuntary admission, if made within 5 days of the date of the filing of the petition.

171-A:28 Hearing Date. The probate court judge of original jurisdiction shall, upon receipt of the petition, set a hearing date. The hearing shall be held within 10 days, excluding Saturdays, Sundays, and legal holidays, from the date of receipt of the petition.

171-A:29 Copies of Petition. Subsequent to receipt of the petition for involuntary admission, the register of probate shall, within 2 days of receipt of the petition, forward 2 copies to the person sought to be admitted.

171-A:30 Custody Prior to Hearing. The person sought to be admitted for treatment on an involuntary basis shall be at liberty pending the hearing, unless:

I. The client has been admitted for voluntary care and wishes to remain so; or

II. The person is already in the custody of the division due to his admission for treatment on an involuntary basis.

171-A:31 Involuntary Treatment Standard. The standard to be used by a court, physician, or psychiatrist in determining whether a person should be admitted to a facility designated by the director pursuant to RSA 171-A:4, II for treatment on an involuntary basis shall be whether the person is in such mental condition as a result of developmental impairment as to create a potentially serious likelihood of danger to others. As used in this chapter, "danger to others" is established by demonstrating that the person has inflicted or attempted to inflict serious bodily harm on another.

171-A:32 Examination by Psychiatrist. Upon receipt of the petition, the court shall order the person sought to be admitted to make himself available for an examination by a psychiatrist designated by the court prior to the date of the hearing. A written report prepared by a psychiatrist shall be filed with the court on or before the day of the hearing. The report shall include the following:

I. Whether, in the opinion of the examining psychiatrist, the person sought to be admitted meets the standard in RSA 171-A:31.

II. Whether, in the opinion of the examining psychiatrist, involuntary admission is necessary for treatment of the person.

III. The form of treatment best suited to the needs of the person, if, in the opinion of the examining psychiatrist, involuntary admission is not necessary.

IV. The receiving facility which can best provide the degree of security and treatment needed for the person.

V. Possible alternatives, including the least restrictive alternative, considered by the examining psychiatrist.

171-A:33 Recommendations; Copy to Person. No later than on the day of the hearing, 2 copies of the report prepared pursuant to RSA 171-A:32 shall be made available to the person sought to be admitted and to his attorney.

171-A:34 Continuance. Either party may apply to the court for a continuance of the hearing on a petition for involuntary admission which the court may grant for good cause shown.

171-A:35 Conduct of Hearing. For hearings held under this subdivision, the person sought to be admitted shall have the right to legal counsel, to present evidence on his own behalf, to have a closed hearing unless he requests otherwise, and to cross-examine witnesses. He shall also have the right to summon as a witness the psychiatrist who filed the report pursuant to RSA 171-A:32 and to cross-examine him. A transcript, which may consist only of an audio recording of the proceedings, and at the court's discretion, shall be made of the entire proceeding. The transcript may serve as the basis for an appeal and the costs of the transcript shall be apportioned, within the judge's discretion, between the state and the person sought to be admitted. The transcript or recording shall be retained by the court for 2 years or until official notice is received of discharge, if the person is admitted on an involuntary basis and subsequently discharged.

171-A:36 Change of Venue. In hearings held under this subdivision, upon the request of the person sought to be admitted, a change of venue or transfer may be granted at the court's discretion.

171-A:37 Order of Court. In hearings held under this subdivision, after hearing all the evidence, the court may order the respondent to be released, notwithstanding expert testimony, or it may order the

person to submit to some form of treatment other than in-patient treatment on an involuntary basis, which may include treatment at an area agency approved by the director. If the examining psychiatrist recommends involuntary admission to a receiving facility as the most desirable form of treatment, the court may so order. If the court determines that involuntary admission to a receiving facility is necessary, but the examining psychiatrist finds otherwise in his report under RSA 171-A:32, the court may overrule the recommendation of the psychiatrist only after the court finds that treatment other than involuntary admission to a receiving facility would not be in the best interests of the person and the community.

171-A:38 Limitation of Order. No order made pursuant to RSA 171-A:36 for involuntary admission or any other type of treatment shall be valid for longer than 5 years. For the order to be renewed, another judicial hearing shall be held pursuant to this subdivision.

171-A:39 Amended Orders. The court issuing an order for treatment, other than in-patient treatment at a receiving facility, shall retain jurisdiction of the case for the duration of the order. At any time during the period of such order, any party may petition the probate court having jurisdiction for a hearing on whether the order should be amended or the person should be involuntarily admitted to a receiving facility.

171-A:40 Transfers; Rules. A receiving facility to which a person is ordered for involuntary admission pursuant to this subdivision may transfer the person to another receiving facility if the receiving facility to which the person is to be transferred can better provide the degree of security and treatment required by the person. All transfers shall require the prior approval of the director or his designee. The director shall adopt rules, pursuant to RSA 541-A, relative to transfer criteria and procedures for the challenge of transfer decisions by the persons so transferred.

171-A:41 Discharge by Administrator.

I. When any person has been involuntarily admitted to a receiving facility pursuant to this subdivision or conditionally discharged pursuant to paragraph II of this section, the administrator of the receiving facility most recently providing care to the person may grant an absolute discharge to the person with the consent of the director or his designee who has examined the person to be discharged within 3 days of the absolute discharge order, provided that the person is no longer in need of care. The administrator shall, in writing, immedi-

ately notify the court entering the original order of commitment that the person has been given an absolute discharge from the receiving facility. Upon receipt of the notice, the court shall make the notice part of the person's file and shall enter the discharge and the date of discharge upon the docket.

II. The administrator of the facility may grant a person, whose condition is not considered appropriate for absolute discharge under paragraph I of this section, a conditional discharge.

#### 171-A:42 Conditions of Conditional Discharge.

I. The administrator of a receiving facility may grant a conditional discharge under this subdivision to any person who consents, by an informed decision, to participate in continuing treatment on an out-patient basis, who agrees to be subject to any rules adopted by the director relative to conditional discharge, and who understands the conditions of his discharge. The administrator of the facility or his designee shall prepare, deliver a copy of, and read to the person being conditionally discharged a written statement of the conditions of conditional discharge and a warning that violation of those conditions may result in revocation of the conditional discharge pursuant to RSA 171-A:43.

II. A conditional discharge shall not exceed the period of time remaining on the order of involuntary admission and shall become absolute at the end of its term.

III. During the term of conditional discharge, the person conditionally discharged shall be provided with continuing treatment on an out-patient basis by an area agency approved by the director.

#### 171-A:43 Revocation of Conditional Discharge.

I. If an administrator at an area agency providing continuing treatment on an out-patient basis to a person conditionally discharged pursuant to RSA 171-A:42 reasonably believes that:

(a) The person has violated a condition of the discharge; or

(b) A condition or circumstance exists which may create a potentially serious likelihood of danger to others, the administrator or his designee may conduct an examination of the person to determine if the conditional discharge shall be revoked. The examination may be conducted only after the person has been given written notice of the belief, and the reasons for such belief, that a violation of the conditional discharge has occurred or other circumstance or condition exists which may create a potentially serious likelihood of danger to others.

II. If the person refuses to consent to an examination under paragraph I, the administrator or other representative of the area

agency may sign a complaint which shall be sworn to before a justice of the peace. The complaint and the written notice required by paragraph I shall be submitted to the justice of the peace, and if the justice finds an examination is necessary, he may order such an examination. Upon issuance of such an order, any law enforcement officer shall take custody of the person and immediately deliver him to the place specified in the order.

III. If the administrator or his designee, following personal clinical examination of the person, finds that the person either has violated a condition of the discharge or is in such a mental condition as a result of developmental impairment as to create a potentially serious likelihood of danger to others, he may temporarily revoke the conditional discharge. If the conditional discharge is temporarily revoked, the administrator or his designee shall inform the person affected in writing, giving the reasons for the revocation.

IV. A law enforcement officer shall take custody of the person whose conditional discharge was temporarily revoked under paragraph III and deliver him, together with a copy of the notice and the reasons for the temporary revocation, to the facility designated by the director pursuant to RSA 171-A:4, II from which he was conditionally discharged, where he shall be personally examined by the administrator of the facility or his designee and the reasons for temporary revocation of the discharge shall be reviewed. Following such examination and review, if the administrator of the facility or his designee finds that the person conditionally discharged has violated a condition of the discharge or is in such a mental condition as a result of developmental impairment as to create a potentially serious likelihood of danger to others, he may revoke absolutely the conditional discharge. He shall provide to such person written notice of the reasons for the absolute revocation. The person whose conditional discharge has been absolutely revoked shall be subject to the terms and conditions of the order of involuntary admission made pursuant to RSA 171-A:20-49 from which conditional discharge was granted as if the conditional discharge had not been granted.

V. If the examiner performing an examination under paragraph III, or the administrator of the facility, or his designee, performing an examination and review pursuant to paragraph IV finds that the person conditionally discharged either has not violated a condition of the discharge or is not in such a condition as a result of developmental impairment as to create a potentially serious likelihood of danger to others, the person shall be returned by the program or facility which has custody of the person to the location where he was initially taken into custody.



171-A:44 Review by Director; Appeal; Rules. A person whose conditional discharge is revoked, pursuant to RSA 171-A:43, may appeal the decision to the director. The person shall be entitled to a hearing on the appeal, before the director or his designee, within 5 days, excluding weekends and holidays, of admission to the receiving facility in accordance with rules adopted by the director pursuant to RSA 541-A. Such rules shall include provision for legal counsel and for waiver of the hearing.

171-A:45 Action for Discharge. Any person who has been involuntarily admitted to a receiving facility may file at the probate court of the county in which he was originally admitted, or where he resides, a petition setting forth his name, the underlying circumstances and date of the prior order of the court ordering his involuntary admission, a request for discharge from care and custody or admission to a receiving facility, and the reasons for such request. The petition shall be accompanied by the certificate of a psychiatrist stating that the patient is no longer in need of involuntary admission and setting forth the facts upon which such an opinion is based. Upon receipt of the petition and the certificate, the court shall conduct a hearing pursuant to this subdivision.

171-A:46 Habeas Corpus. This subdivision shall not be construed to deprive any person of the benefits of the writ of habeas corpus. If the court issuing the writ of habeas corpus grants relief, the court shall enter an order discharging the person and shall transmit a certified copy of it to the probate court entering the original order of involuntary admission. Upon receipt of the certified copy, the probate court shall enter an order finding that such person has been discharged by order of the court.

171-A:47 Custody and Transportation.

I. Any law enforcement officer shall take custody of persons who are subject to proceedings for involuntary admission under this subdivision under the following circumstances:

(a) Upon issuance of an order for involuntary admission pursuant to RSA 171-A:37; or

(b) As necessary to ensure the presence of the person at hearings or examinations conducted under this subdivision, to effect a transfer between receiving facilities, or to carry out any other lawful order of a court.

II. A law enforcement officer shall also transport any persons taken into custody to the appropriate receiving facility, court, place of examination, or other location.

171-A:48 Duty to Transport. Upon request, the office of the sheriff of the county in which any person is located who is to be taken into custody in accordance with RSA 171-A:47 shall take said person into custody and transport that person to the appropriate destination.

171-A:49 Rights Guaranteed. All rights guaranteed by RSA 171-A to developmentally impaired persons shall be retained by persons involuntarily admitted under this subdivision except where safety or security mandates restriction thereof. Any restriction of rights under this section may be appealed to the director pursuant to rules adopted by the director under RSA 171-A:3.

7 Commitment. RSA 622:45, I is repealed and reenacted to read as follows:

I. Any person subject to an involuntary admission to the state mental health service system pursuant to RSA 135-C or the state service delivery system pursuant to RSA 171-A may at any time be transferred to the unit upon a determination that the person would present a serious likelihood of danger to others if admitted to or retained in a receiving facility in the state mental health service system or a receiving facility designated pursuant to RSA 171-A:4, II in the state service delivery system. The admission to the unit may be ordered by:

(a) A probate court pursuant to RSA 135-C:34-54 or RSA 171-A:20-49; or

(b) An administrator of a designated receiving facility under RSA 135-C or a facility designated pursuant to RSA 171-A:4, II to which a person has been involuntarily admitted pursuant to an involuntary emergency hospitalization or an involuntary admission.

8 Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are severable.

#### 9 Effective Date.

I. Section 1 of this act shall take effect January 1, 1988.

II. The remainder of this act shall take effect upon its passage.

Amendment Adopted. Ordered to Third Reading.

HB 651-FN, Relative to compensation of district court justices and special justices. Ought to Pass. Senator Podles for the Committee.



SENATOR PODLES: HB 651 provides for a more equitable compensation formula for part-time district court justices, which more accurately reflects their case load. Once part-time justices work on a case load, more than 70% of a full time, they are reviewed with an eye toward making them full time. The bill provides for a waited case load formula for making this decision. The bill also changes the limit when a district court part time justice must stop practicing law. Full time justices are prohibited from practicing law and this rule stays the same. The bill also addresses the salaries of special justices in the district court. It make the salaries more closely matched that of superior court masters. The committee recommends ought to pass.

Adopted. Referred to Finance under Rule 24.

HB 345-FN-A, Relative to salaries of probate judges and the sessions of probate courts and making an appropriation therefor. Ought to Pass. Senator Preston for the Committee.

SENATOR PRESTON: HB 345 relates to probate court judges. It is not a payroll bill, it's a response to a court decision that said probate judges could not charge fees. This will now, perhaps, result in two full time probate justices. The amount that will be paid to anyone sitting as a probate judge part-time, will be determined on the number of weighted case units that they preside over. It will be determined on the basis of the time spent. The retroactive salaries come out of an adjustment fund that's already set aside in the supreme court and this is a definite improvement over the way the system has been working and should operate more efficiently.

Senator Bartlett offered a floor amendment.

SENATOR BARTLETT: You have before you a floor amendment #2805B, this refers to part-time probate judges. Presently, probate judges receive Blue Cross/Blue Shield. They are the only part time people in the State of New Hampshire that I know of that receive it. We've had considerable discussion throughout the State of how many hours someone should work to receive part time coverage. What this amendment does, it does not touch those probate judges that are presently sitting, but those who are appointed will not be entitled to Blue Cross/Blue Shield or other health coverage as a part of the State benefits. I think it's a fairness basis, if we're not going to give the district court judges and everyone else benefits like this, why should we continue to do it to newly appointed probate. I urge you adopt the amendment.

## Floor Amendment to HB 345-FN-A

Amend the bill by replacing all after section 12 with the following:

13 Part-Time Probate Judges. Whenever a vacancy occurs in a part-time probate judge position, the person who fills such part-time vacancy shall not be entitled to Blue Cross/Blue Shield or other health insurance coverage offered as a benefit to state employees.

14 Applicability. Sections 1-12 of this act are applicable as of October 3, 1986.

15 Repeal. The following are repealed:

I. RSA 547:22, relative to salaries of probate judges.

II. RSA 547:23, relative to special sessions.

III. RSA 547:25, relative to restrictions on special session fees.

16 Effective Date. This act shall take effect upon its passage.

Floor Amendment Adopted. Referred to Finance under Rule 24.

HB 659-FN, Relative to payment of court appointed counsel and court costs in certain cases and making an appropriation therefor. Ought to Pass. Senator Chandler for the Committee.

SENATOR CHANDLER: There's really a mistake in the title of the bill, as printed in the calendar. It says "relative to payment of court appointed counsel and court costs" it should be "court appointed guardian", rather than counsel. What this bill does is when the unified court system was enacted and all court functions came under the Supreme Court, they overlooked court appointed guardians and court guardianship cases. They got left out, so the counties have been paying for these expenses when these expenses really should be paid by the Supreme Court. That's what this bill corrects, the omission. The bill also shifts fees and costs from the county to the State and guardian and, in conservator cases under a different statute. The Judiciary Committee voted unanimous on this bill.

Adopted. Referred to Finance under Rule 24.

HB 216-FN, Making an appropriation for the driver training program. Ought to Pass. Senator Preston for the Committee.

SENATOR PRESTON: I bring to your attention the amended analysis, particularly to the Finance Committee members, is to increase the payment to the towns for driver's educational students, from \$50 to \$75. The fiscal note on the back is incorrect. This would have all

the funds from vanity plates going towards the payment for driver's education as it was supposed to originally, but the impact would be about three million dollars, too severe to allow appropriations and Finance to do its job. This bill would cost about \$175,000 for fiscal 1988 and fiscal 1989.

Adopted. Referred to Finance under Rule 24.

## HOUSE MESSAGE

### HOUSE REQUESTS CONCURRENCE

HB 10-FN-A, Relative to state employee salaries and judicial salaries and making an appropriation therefor.

This bill was admitted by a 3/5 vote of both rules committee voting separately.

### First and Second Reading and Referral

HB 10-FN-A, Relative to state employee salaries and judicial salaries and making an appropriation therefor. Referred to Finance.

### TAKEN FROM THE TABLE

Senator Pressly moved to take HB 466-FN from the table.

Adopted.

Senator Pressly offered a floor amendment.

SENATOR PRESSLY: The amendment that's being passed out for you now is an effort to address the problems that some of the Senators had with HB 466. It is an effort to grandfather in the school boards that currently do have their elections tied in with the State election. The committee felt that this was reasonable. In the hearings, the only groups that there was a certain degree of sympathy for were the school boards that had been doing this already. With the passage of this amendment and the passage of the bill, it really reinforces what we currently have as law now. What it means is that local towns that change their form of government to a quasi town/city, that they may not have their local elections coincide with the State elections and the amendment does address the problems that were brought up on the floor of the chamber last session. It's been an effort on the part of the committee to take a look of those concerns, address it and hopefully solve the problem. I urge ought to pass on the amendment on HB466, to protect the school boards that are currently doing this and it's working comfortably with the cities.

SENATOR HOUNSELL: Senator Pressly, if I had a town in my district that desires to have an election on the same day as the State election, under this they would be forbidden to have that option?

SENATOR PRESSLY: They are currently forbidden from doing that. This does not affect towns at all and it does not effect most cities. It only affects towns that have formed a charter and have created a new form of government where they have tied their new form of election into the State's. It has nothing to do with the town meeting. It will not impact towns at all.

SENATOR MCLANE: I rise in strong opposition to this bill because I come from Concord and my city manager, my mayor, the superintendent of schools and everyone else has called me in strong opposition. The amendment, although it would solve Concord's problem, does not solve the other problems about the bill. The first thing is, it's unconstitutional for the State to tell a local municipality what they can do and change the rules is unconstitutional. You are mandating a special cost by saying that they must have separate elections. In Concord, we found that when elections were held separately, very few people voted and it became a most unfortunate situation, with two elections people that were very disruptive to the school board. When the elections were changed and so that more than just a few voted, I really say that there was testimony at the hearing that this was unconstitutional and the part of the constitution was cited, which says, "that the State shall not tell local cities and towns how they run their government". There is a democratic question in that a group of school teachers can vote in a raise or a group of disidents can vote in if you only have a few people voting in an election and this was the experience in Concord, that when the voting was held separately so few people voted, that very few people could influence the election. I think that there has been strong opposition from cities like Claremont, Concord. I do not believe that the amendment is definitive in that it exempts all of the present towns. There was a list that was submitted of almost ten and this does not cover that. I really think it's a bad bill.

SENATOR HOUNSELL: It's my understanding that the reason you were citing may be mute because the current law provides now that these communities don't have that law.

SENATOR MCLANE: The current law provides that the communities, the towns can't do this, but when you go to a charter situation then you are allowed to. This is what I think, for the sake of those

communities that already have this and for those that might want this, that the State shouldn't be telling the local communities how they're going to form their charter.

SENATOR HOUNSELL: If this passes, if this replaces the status-quo, would we have better or less voter turn out?

SENATOR MCLANE: I believe very strongly and I believe that the Concord experience would show that when you have elections held together you get a far bigger turn out and that the cost of holding a separate school election and the turn out is very, very different.

SENATOR HOUNSELL: Senator Pressly, under the status-quo versus this, which would give us the better voter turn out?

SENATOR PRESSLY: That would require a crystal ball and I certainly could not answer that. My understanding of the bill is that the towns that want to restructure themselves can hold their elections any day that they want, with the exception of not tying it in with the State election.

SENATOR JOHNSON: Isn't it true that the purpose of this amendment is to exempt those school districts that are currently holding school elections, concurrent with State general elections? Would you exempt it?

SENATOR PRESSLY: That is correct. The amendment has been drafted to accommodate to the school boards, cities that are now doing that. That's the very purpose of the amendment.

SENATOR JOHNSON: Isn't it true that the Secretary of State actually supported this amendment either during the hearing or thereafter?

SENATOR PRESSLY: He supported the amendment and he also gave testimony that when a community does tie in with the State election, it proposes quite a hardship because the time frames are different. It delays in getting the absentee ballots out to the people and it delays the process for the State election.

SENATOR JOHNSON: According to the Secretary of State's testimony, isn't it true that it's fairly well established in the statute that the intent was not to have local school district elections concurrent with the State general election?

SENATOR PRESSLY: Absolutely, that the intent is already there, this just makes it more explicit.



Division vote:

6 Yeas

14 Nays

Motion Failed.

Senator Hounsell moved to indefinitely postpone.

SENATOR HOUNSELL: Having the floor amendment failing, it's my belief that the bill should, at this time, be indefinitely postponed. I support the concept that by leaving things the way they are, that we provide for a better voter turn out.

SENATOR CHANDLER: I'd like to support the bill the way it is and I guess there must be some good reason for it if the Secretary of State has requested it. I think we ought to pass it.

Motion Adopted.

Recess

Out of Recess

### COMMITTEE REPORTS

HB 590-FN, Relative to fees charged by licensing boards and creating a bureau of professional regulation in the division of public health services. Inexpedient to Legislate. Senator St. Jean for the Committee.

SENATOR ST. JEAN: It was the feeling of the Internal Affairs Committee that this was unneeded legislation at this time. We had extensive testimony from doctors and various other boards and commissions that didn't want to be administrated and attached to any particular State office. It was our sense that things are going and working pretty well as they are. We didn't feel that this bill should be passed at this time.

Adopted.

HB 632-FN, Relative to the adoption of capital improvement facility fees. Inexpedient to Legislate. Senator St. Jean for the Committee.

SENATOR ST. JEAN: The Internal Affairs Committee met on this particular piece of legislation, 632-FN, and we felt that this legislation at this time is not proper. We heard extensive testimony from home builders and they felt that these impact fees would increase the cost of condo projects, low houses for the low income individuals because they couldn't figure into their costs of putting up these vari-



ous projects if this particular piece of legislation was passed. We also felt that if local towns and cities wanted to pass this legislation, they could enact similar legislation. It should not be done on a Statewide basis.

Adopted.

HB 725-FN, Relative to the attorney general. Ought to Pass with Amendment. Senator Bartlett for the Committee.

SENATOR BARTLETT: The amendment to HB 725 is on page 33. HB 725 is amended to provide that a director of charitable trust be appointed in the same manner as the assistant attorney general. The bill's analysis is somewhat misleading and the salaries appear to be increasing, being paid at the higher level. Presently, certain other housekeeping measures are addressed in the bill. The amendment approved by Internal Affairs requires the medical examiner adopt the administrative rules act. It also deals with the access to medical records relative to persons who are having autopsies performed. There are also provisions dealing with the handling and disposals of human remains, body fluids and fragments thereof. We urge that you adopt the committee amendment.

#### Amendment to HB 725-FN

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to the attorney general and relative  
to the chief medical examiner.

Amend the bill by replacing section 12 with the following:

12 Supervision and Enforcement. RSA 611-A:6 is repealed and reenacted to read as follows:

611-A:6 Supervision; Rulemaking. The chief medical examiner shall have general supervision over the administration of and shall enforce the provisions of RSA 611 and RSA 611-A. Medical examiners in the several counties shall serve under the professional direction and supervision of the chief medical examiner, who shall adopt such rules under RSA 541-A as he deems necessary to enforce the provisions of RSA 611 and RSA 611-A. The chief medical examiner or the associate chief medical examiner shall be continually available

for emergency consultation by the medical examiners. The chief medical examiner and, at his direction, the associate chief medical examiner shall assist in the training of police officers in police training programs authorized by the police standards and training council under RSA 188-F:22-32.

13 New Sections; Medical Records; Body Remains. Amend RSA 611-A by inserting after section 9 the following new sections:

611-A:10 Medical Records. For the purpose of any medical examination into the cause and manner of death, and where medical treatment has been provided to the decedent who is the subject of the examination, upon written request of the chief medical examiner any individual, partnership, association, corporation, institution, or governmental entity which has rendered such treatment shall provide the chief medical examiner with all medical records pertaining to the decedent and the treatment rendered. This section shall not preclude the chief medical examiner or his designated pathologist from directly inspecting or obtaining any medical records pertaining to a case under his jurisdiction. The records shall be promptly provided to the chief medical examiner or his designated pathologist, when such pathologist is acting in the regular course of inquiry or study. When the records are incorporated into the files of the medical examiner or the office of the chief medical examiner they shall be confidential and shall not be available for public inspection.

611-A:11 Retention and Disposal of Organs, Unidentified Remains, Body Fragments, and Body Fluids.

I. Except as provided in RSA 227-C:8-a through 8-g: whenever unidentified human skeletal remains are recovered, the chief medical examiner may store the remains, release them to an educational institution, direct that they be interred in an appropriate resting place, or have them cremated in accordance with RSA 325-A. Ashes of remains cremated shall be disposed of in an appropriate manner. Human skeletal remains recovered in a cared-for cemetery shall not be subject to the provisions of this paragraph.

II. The chief medical examiner or his designated pathologist may retain body fragments or body fluids for evidence, further study, or documentation. Body fragments or body fluids retained for such purposes, or those which have been recovered after the body has been released from the custody of the medical examiner, may, unless claimed in writing by the person responsible for burial, be disposed of:

(a) According to the practices of the laboratory responsible for analysis;

(b) By the office of the chief medical examiner; or

(c) Or by the medical examiner or pathologist retaining those fragments or fluids.

III. The chief medical examiner may dispose of substantial fragments of bodies that have been retained for evidence, further study, or documentation or that have been recovered after the rest of the body has been finally released, in accordance with paragraph I of this section, unless claimed by the person responsible for burial.

14 Effective Date.

I. Sections 1-11 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect July 1, 1987.

Amendment Adopted.

Senator Bartlett moved to waive reference to Rule 24 on HB 725.

Adopted. Ordered to Third Reading.

HB 576-FN, Relative to worker's compensation lump sum payments and state retirement benefits. Ought to Pass. Senator Preston for the Committee.

SENATOR PRESTON: This is in regards to worker's compensation lump sum payments and state retirement benefits. It gives the incentive to those who have been disabled to accept a lump sum benefit and to go on retirement. Any such agreements must be made by the trustees and both sides of the issue. Worker's comp. is 100% general fund and this in effect would have good long term benefits for the State as well. In 1985, for example, five cases cost \$6,000 for the State.

Senator Preston moved to waive reference to Rule 24 on HB 576.

Adopted. Ordered to Third Reading.

HB 709-FN, Relative to children's interagency dispute resolution. Interim Study. Senator Preston for the Committee.

SENATOR PRESTON: In the lateness of the hour we determined that there wasn't an appropriation here. For whatever reason, the Senate analysis done by Senate Research had not been through appropriations and there was not time preferred down to the Senate and there were some questions as to who appointed some of the

members. This required further clarifications so the committee thought it was in the best interest of passing legislation to put this to interim study.

Adopted.

HB 704-FN, Relative to the safety of facilities gathering, transmitting and distributing petroleum gas. Ought to Pass with Amendment. Senator St. Jean for the Committee.

SENATOR ST. JEAN: HB 704-FN brings our State laws up to Federal standards, The Federal Natural Gas Pipeline Act of 1968. The amendment deals with the small percentage of tanks that were old and never brought up to these standards and they have to include in those standards, a multivalve-type combination vent.

#### AMENDMENT TO HB 704-FN

Amend the bill by replacing the title with the following:

##### An Act

relative to the safety of facilities gathering, transmitting,  
and distributing petroleum gas, and requirements  
for liquid petroleum gas containers.

Amend the bill by replacing all after section 2 with the following:

3 New Section; Liquid Petroleum Gas Containers; Required Equipment. Amend RSA 339-B by inserting after section 6 the following new section:

##### 339-B:6-a Liquified Petroleum Gas Containers; Valve.

I. Any liquified petroleum gas cylinder or vessel with a capacity of at least 20 gallons shall be equipped with a multivalve-type combination vent, fill, and relief valve which permits refilling of the cylinder or vessel at the site of use.

II. No liquified petroleum gas cylinder or vessel which fails to meet the requirements of paragraph I of this section shall be installed or transported within this state after August 1, 1987.

4 Effective Date. This act shall take effect 60 days after its passage.

Amendment Adopted. Ordered to Third Reading.

HB 133-FN, Relative to sunset review of state liquor commission - merchandising and relative to the state liquor commission. Ought to Pass with Amendment. Senator Bartlett for the Committee.

SENATOR BARTLETT: May I refer you to page 6 for the amendment. It goes from page 6 through page 13 for the amended analysis. This does deal with the sunset of the liquor commission on commissioned merchandising. I'd like to say that we worked very well with Dean Christian; we worked with the House; regulated revenues and we've come up, and for the first time I think we've put something into law which fits this sunset review, plus Touche-Ross which was done four or five years ago. May I refer to the first correction in the amended analysis that we renewed the State liquor merchandising for one year. That may seem a little bit drastic, but there were those on the committee that felt that there were some changes made on how the liquor commission was going to be merchandised; that we're appointing a CEO and what we'd like to make sure that they don't feel they're going to be six years out there and that they're going to be monitored and they're trying to do what the legislature likes. They have changed in liquor licenses the date of the month or the date of the corporation. It deals with habitual drunkards. They've required a liquor representative to have a license similar to that of a real estate broker so that the sales people that work for them, both in wine and liquor, and have someone that the liquor commission can go to and say, "look your person's not doing well". It says you can't serve someone in a convention hall if they're under 21. It also says under roman numeral VIII, section 16 and 17 that the liquor commission shall formulate a written store plan for its resale stores. I think that we've sat here for some time over the last several years and wondered where their plan was. I think this does it. We've also asked them to take a look at all the licenses they have. They have about 18 or 19 licenses in that group, some of them only deal with two areas. At the request of Senator Preston, we've also asked them to look at beer sales, that they feel that maybe the "Mom and Pop" stores shouldn't have to pay the same as the supermarkets. That they adopt a formal enforcement policy for licensees and committees, so if you violate a section of the law, you know how long you're going to lose your license. It's not subject to political pressure to get it back a little bit early. It provides separate vehicle carrier permits and it includes the liquor commission's authority to establish a schedule of hours of wines and discount prices. One thing that it does do, if you'd look on page 14, roman numeral XVI, it says that no on-sale or off-sale permittee who is delinquent under RSA 181:23 shall have his permit revoked because of their delinquency. This



takes the liquor commission out of the collection business for those people that sell beer and wine to them. It says that they shall submit a report containing the proposal for the Senate President by September 15 and the Speaker of the House. It terminates July 1, 1988 unless the General Court takes prior action. We've done a lot of things in here. I asked Dean Christian, just briefly, if he thought that we had followed much of the recommendations of the sunset committee and I thought the sunset committee did a good job. I think that we took this action because the last two times nothing really happened. So, I think the amendment addresses some of the problems, some of the amendment was suggested, again, from the House. We regulated revenue and we incorporated our revenue. We urge the adoption of the amendment.

SENATOR HOUNSELL: Senator Bartlett, on page 14 you referred to the permittee who is delinquent under RSA 181. Is that the period of time that someone has to pay?

SENATOR BARTLETT: In the past, if you haven't paid those people that supply you with beer and wine within a certain period of time, the liquor commission can take your license away. In effect, the liquor commission was collecting delinquent accounts for the distributor.

SENATOR HOUNSELL: You're taking them out of this?

SENATOR BARTLETT: That's what it says.

SENATOR HOUNSELL: Good move!

SENATOR HEATH: In the establishment of the executive director, who is nominated by the commission and appointed by the Governor and Council, in the event that the executive director dies in office or retires, probably the former is more likely, who runs the outfit if they make a nominee that the Governor and Council won't concur and they get deadlock in that wrestling match that's very apt to happen?

SENATOR BARTLETT: I honestly can't tell you other than the liquor commission runs it now and they have the power to operate it. If they don't appoint someone, I assume it'll be their responsibility to act as chief executive office until such time that one's approved.

SENATOR HEATH: Was that one of the Touche-Ross recommendations?



SENATOR BARTLETT: The CEO was a Touche-Ross recommendation, best of my knowledge, and it's been a recommendation for the last eight or ten years that we have someone up there really in charge of this thing. If you really go into it, what's really been created is there's a commission and then the enforcement here directly under the commission, so it doesn't go through this. CEO directives, they call it, there are five divisions; stores and merchandising marketing. That's the split that was one before that is now two and that is the only new position created under all this mass legislation. Data processing, accounting and warehousing. So, we've got one new position somewhere in the \$50,000 range. It is hoped that whomever they retain for merchandising-marketing would be the person they could become acquainted with the liquor business in the State of New Hampshire so he could eventually move up to CEO.

SENATOR CHANDLER: Senator Bartlett, isn't this really going to put Harold Heath, the boss of the three commissioners?

SENATOR BARTLETT: If you read the thing, one of the amendments says that, whoever is appointed CEO, will be responsible directly to the commissioners.

SENATOR CHANDLER: Oh, I thought he was going to be responsible to them. Or are they going to be responsible to them? Which?

SENATOR BARTLETT: It says he shall be responsible to them.

SENATOR CHANDLER: Well he is now, isn't he?

SENATOR BARTLETT: That's correct. We have now created a position of chief executive officer, who is going to be over the other four departments. Previous to this, the commissioners ran all four departments. It will be the commissioners, the chief executive officer and then the five divisions underneath him.

SENATOR CHANDLER: Does this give him a salary increase?

SENATOR BARTLETT: It gives him more responsibility and a salary increase whoever the CEO is.

SENATOR WHITE: Just out of curiosity, earlier we gave a \$7,000 raise, I saw, to the head of the status on women. I wonder how much of a raise are we going to give to this position?

SENATOR BARTLETT: I think this comes to about \$4,000. Don't quote me on it because it brings them up into the \$52-\$53,000.

## AMENDMENT TO HB 133-FN

Amend the bill by replacing all after section 2 with the following:

3 Vendor License; Designated Liquor Representative. Amend the introductory paragraph of RSA 175:3-c to read as follows:

175:3-c Vendor License. Any liquor company desiring to sell liquor other than wine governed by RSA 178-A shall register to do business with the commission, designate a licensed liquor representative, and obtain a liquor vendor's license. A liquor company shall be defined for the purpose of this section as a firm, partnership, association, or corporation including any of its subsidiaries. Said license shall expire annually on [May 31] the last day of the month of the incorporation or other organization of the liquor company and shall be renewed annually by the commission, upon application, unless the commission finds, after notice and hearing, that the renewal thereof would be against the public interest. The annual fee for a liquor vendor's license shall be:

4 Expiration Date. Amend RSA 175:4 to read as follows:

175:4 Expiration Date of Licenses and Permits. All licenses and permits, other than special permits, issued under the provisions hereof shall expire [May thirty-first of each year] on the last day of the month of the licensee's birthday or, when the licensee is not a natural person, on the last day of the month of the licensee's incorporation or other organization, unless sooner revoked for cause by the commission. [The fee for any permit or license issued after April first of the licensing year shall be one-half the annual fee for such permit or license.]

5 Prohibited Sales. Amend RSA 175:6 to read as follows:

175:6 Prohibited Sales. No licensee, sales agent, nor any other person, shall sell or give away or cause or permit or procure to be sold, delivered or given away any liquor or beverage to a person under the age of 21 years [, to an habitual drunkard, to an insane person,] or to a person under the influence of liquor [, or to any other person to whom any court, selectman of a town, chief of police, overseer of public welfare or the commission shall prohibit sale]. In no case shall any section of this title be so construed as to permit sale of liquor or beverages in any so-called saloon or speakeasy.

6 Liquor Representative License; Employment of Registered Sales Agents Authorized. Amend RSA 175:15 to read as follows:

175:15 Liquor Representative License. A liquor representative's license shall authorize the holder thereof to offer for sale or solicit orders for the sale of any liquor, except wine covered by RSA 178-A, if the vendor of such liquor is the holder of a manufacturer's or vendor's license or certificate. A licensed liquor representative may also employ registered sales agents in accordance with RSA 175:15-a. The annual fee, due [May 31,] on the last day of the month of the licensee's birthday or, when the licensee is not a natural person, on the last day of the month of the licensee's incorporation or other organization, shall be [\$50] \$100 for each liquor representative. The commission shall approve all applications for licenses authorized under this section unless it shall have good cause not to approve one.

7 New Section; Registered Sales Agents. Amend RSA 175 by inserting after section 15 the following new section:

175:15-a Registered Sales Agents.

I. A liquor representative licensed under RSA 175:15 may employ sales agents who shall be registered with the commission. The commission shall approve all applications for licenses authorized under this section unless it shall have good cause not to approve one.

II. The registration fee for sales agents shall be \$50.

III. Sales agents may, under the supervision of a licensed representative, offer for sale or solicit orders for liquor, except wine covered by RSA 178-A, if the vendor of such liquor is a holder of a manufacturer's or vendor's license and if the manufacturer or vendor is represented by the sales agents' employer.

IV. The registration of sales agents shall expire annually on the same date as the license of the supervising liquor representative.

V. A sales agent shall only offer liquor for sale or solicit orders for liquor while in the employ of a licensed liquor representative.

8 Director of Marketing and Merchandising; Establishment. Amend RSA 176:7-a, II to read as follows:

II. There shall be a director of marketing[, and merchandising[, and store operations]] who shall have such labor grade as may be determined by the [department] division of personnel [and who shall be responsible for the store operations of the commission including, but not limited to, marketing, merchandising, and store operations]. He shall report directly to the [commission] executive director. The director of marketing and merchandising shall be responsible for sales promotions, mark-up recommendations, advertising, and listing and delisting of products to maximize profits for the state. The director of marketing[, and merchandising [and store operations]]

shall recommend sales to promote competitive position, coordinate in-store promotion with advertising programs, and recommend to the [commission] executive director the delisting of products not meeting gross profit levels and the listing of products that will maximize profits to the state[, control expenditures within appropriated funds, recommend changes in store locations and hours, and plan store activities to provide maximum customer service and sales and advertising]. The director shall be responsible for recommending, in writing, to the [commission] executive director, the listing and delisting of products with justifiable, written reasons for the recommendation. All requests for listings and delistings of products shall be made to the commission, to the attention of the chairman, and shall be referred to the executive director [in writing, and] who shall [be referred] refer the same to the director of marketing[, and merchandising [and store operations] for a recommendation. All recommendations for listings shall be forwarded to the [commission] executive director in writing by the director of marketing[, and merchandising [and store operations]. The commission shall then approve or disapprove the recommendation, stating the reasons in writing. An applicant may appeal to the commission, in writing, any negative decision. [Additionally, the director of marketing, merchandising, and store operations shall be responsible for sales promotions, marketing recommendations and advertising.]

9 New Paragraph; Director of Store Operations; Establishment. Amend RSA 176:7-a by inserting after paragraph II the following new paragraph.

II-a. There shall be a director of store operations who shall have such labor grade as may be determined by the division of personnel and who shall be responsible for store operations. He shall report directly to the executive director. The director of store operations shall:

- (a) Recommend changes in store locations and hours.
- (b) Plan store activities to provide maximum customer service.
- (c) Maximize revenues by promoting the most efficient operation of stores.
- (d) Coordinate the flow of information and reports between the executive director and the store managers.
- (e) Work with the director of marketing and merchandising so as to help formulate and implement the most effective sales, promotional, and marketing techniques.

10 Director of Warehousing and Transportation; Report to Executive Director. Amend RSA 176:7-a, III to read as follows:

III. There shall be a director of warehousing and transportation who shall have such labor grade as may be determined by the [department] division of personnel and who shall be responsible for the warehousing and transportation functions of the commission. The director of warehousing and transportation shall develop plans to operate warehouses in the most efficient manner, maintain traffic rate information, develop security measures to minimize loss of inventory and make recommendations to the [commission] executive director for improvements in material handling and purchasing. The director of warehousing and transportation shall report directly to the executive director. 11 Director of Data Processing; Report to Executive Director. Amend RSA 176:7-a, IV to read as follows:

IV. There shall be a director of data processing [and accounting] who shall have such labor grade as may be determined by the [department] division of personnel and who shall be responsible for the data processing activities [and accounting systems] of the commission. The director of data processing [and accounting] shall maintain records to assure fiscal and inventory control, prepare reports as required by the commission, design and implement internal security procedures to minimize losses to the state, gather and consolidate information for budgetary and other purposes, and recommend to the [commission] executive director improvements in the commission's hardware and software as may be needed to keep the system current with industry. The director of data processing shall report directly to the executive director. Such reports shall include, on a regular basis:

- (a) The results of sales, post-offs, and other sales promotions.
- (b) An analysis of the profitability of each item listed for sale by the commission.

12 Director of Financial Reporting and Analysis; Establishment. RSA 176:7-a, V is repealed and reenacted to read as follows:

V. There shall be a director of financial reporting and analysis who shall have such labor grade as may be determined by the division of personnel and who shall be responsible for all financial and accounting functions, including preparations for monthly and annual financial reports, including analyses of the results of operations. The director of financial reporting and analysis shall:

- (a) Assist the executive director in financial planning, budgeting, and appropriation request preparation.
- (b) Install and maintain records to assure fiscal and inventory control.
- (c) Maintain financial records for each store which shall show such store's operating costs and profitability.



(d) Report directly to the executive director.

13 New Section; Executive Director Established. Amend RSA 176 by inserting after section 7-a the following new section:

176:7-b Executive Director.

I. The commission shall nominate an executive director for appointment by the governor, with the consent of the council. The executive director shall serve a term of 4 years. Any vacancy shall be filled for the unexpired term. The salary of the executive director shall be as specified in RSA 94:1-a.

II. The executive director shall report directly to the commission and shall assist the commissioners in the planning and operation of the liquor commission, except with regard to licensing and enforcement. The director of marketing and merchandising, the director of store operations, the director of financial reporting and analysis, the director of data processing, and the director of warehousing and transportation shall report directly to the executive director. The executive director shall meet at least once each week with the commission. In addition, the executive director shall:

(a) Prepare strategic and annual business plans, including the appropriation request.

(b) Supervise planning of distribution channels and warehouse and store location to maintain a high level of customer service at an economical cost.

(c) Negotiate contracts on behalf of the liquor commission.

(d) Prepare and suggest organizational policies and procedures for adoption by the liquor commission.

(e) Monitor performance against plans and take appropriate corrective action.

(f) Recruit qualified people for work with the liquor commission.

(g) Formulate pricing, advertising, and promotional policies for adoption by the liquor commission.

(h) Oversee market research.

(i) Oversee the development of new systems and their continuing enhancement.

(j) Make recommendations to the commission regarding listing and delisting of products for sale.

14 New Section; Listing and Delisting Products. Amend RSA 176 by inserting after section 10-c the following new section:

176:10-d Listing and Delisting of Products.

I. All decisions regarding listing and delisting of products for sale shall be made by the commission.



II. The commission shall adopt rules under RSA 541-A establishing procedures and criteria for listing and delisting of products for sale. These rules shall include procedures for appeal of commission decisions.

III. All requests for action regarding listing or delisting from vendors or their representatives shall be submitted to the commission, to the attention of the chairman.

IV. In making listing and delisting decisions, the commission shall consider the recommendations of the executive director. The executive director's recommendations shall be made in writing. The commission shall approve or disapprove the recommendation stating the reasons in writing. An applicant may appeal to the commission, in writing, any negative decision.

15 Restrictions on Sales; Costumers. Amend RSA 176:11 to read as follows:

176:11 Rules [and Regulations]; Restrictions on Sales. Said commission shall have the power to [make] adopt all necessary and proper rules [and regulations] under RSA 541-A for carrying out the provisions hereof, and such rules [and regulations] shall have the effect of law. No sale of beverages shall be made on Sunday by reason of permits issued to manufacture beverages or to sell beverages to other permittees under the provisions of RSA 181:8 or RSA 181:9. [Liquor or beverages shall not be sold in any establishment where booths that are not open at the end are used for serving patrons. Costumers may be erected and attached to the ends of booths. Such costumers shall be of such design and constructed in such manner as approved by the commission.]

16 New Section; Store Plan. Amend RSA 177 by inserting after section 1-a the following new section:

177:1-b Store Plan. The state liquor commission shall develop and maintain a formal written store plan for its retail liquor stores. This plan shall establish goals and policies related to the number, size, and staffing patterns of state operated retail liquor stores to ensure the efficient and effective operation of the state store system. The plan shall be reviewed and revised as necessary and shall include, but not be limited to, policies related to:

I. The operational definition of a marginal store, identification of such stores, and specific plans to consolidate or otherwise improve the profitability of such stores.

II. The optimum size, location, and staffing pattern of stores to maximize their profitability. This shall include a plan to increase use

of part-time employees to reduce store personnel costs and a formula for determining appropriate rental payments for leased stores.

III. Plans for the expansion of the existing store system where such expansion is justified.

17 First Store Plan; Completion Date. The first store plan required under RSA 177:1-b shall be completed by January 1, 1988. A copy of this plan shall be submitted to the governor and council and the appropriate standing committees of the senate and house of representatives, as determined by the presiding officers.

18 Sale of Liquor to Persons in Convention Centers; Age Restriction. Amend RSA 178:5-f to read as follows:

178:5-f Convention Centers. The commission may issue a special license to any convention center which has seating accommodations for at least 600 persons. Said special license shall permit the licensee to sell liquor and beverages to persons within the convention center under rules [laid down] adopted under RSA 541-A by the commission. Liquor and beverages sold and consumed on the premises shall be limited to [adults only] persons 21 years of age or over, except that minors accompanied by one or more parents may be permitted admission to the center. The determination of what is a convention center is to be within the discretion of the commission subject to the definition in RSA 181:1, XII. The fee for such special license shall be \$1,125 a year.

19 Sale of Liquor to Persons in First Class Ballrooms; Age Restriction. Amend RSA 178:7-a, I to read as follows:

I. The commission may issue a special license to any first class ballroom which has seating accommodations for at least 500 patrons. Said special license shall permit the licensee to sell liquor and beverages to patrons under rules adopted under RSA 541-A by the commission, but only at such times as "live entertainment" is being provided by the licensee. Such "live entertainment" shall consist of not [less] fewer than 3 performers[;], except that between the hours of 11:00 a.m. and 3:00 p.m., the licensee may limit the number of entertainers to one. Attendance at such times as liquor and beverages are being sold and consumed shall be limited to [adults only] persons of 21 years of age or over, except that minors accompanied by one or more parents may be permitted admission. The determination of what is a first class ballroom is to be within the discretion of the commission. The fee for such special license shall be \$1,125 a year.

20 Age of Guardian Increase; First Class Ballrooms; Special Social Functions. Amend RSA 178:7-a, III to read as follows:

III. Any licensee of a first class ballroom may receive a special permit from the commission to close all or part of the ballroom facilities to the public for special social functions at which only bona fide members of a social club or organization or persons who have been invited to a family social function shall be admitted. The commission shall issue a special permit to allow the licensee to sell liquor or beverages to persons attending such social functions if the licensee applies for one at least 5 business days prior to the function and pays a fee of \$30 for each such function. No minor shall be admitted to the premises of such a function unless accompanied by a parent or guardian who is [20] 21 years of age or older. If only part of the ballroom facilities are used for such a function, the licensee may operate the remaining facilities under his license issued under paragraph I.

21 New Section; Expiration Date. Amend RSA 178 by inserting after section 10 the following new section:

178:10-a Expiration of Licenses. All licenses issued pursuant to this chapter shall expire on the last day of the month of the licensee's birthday, unless revoked by the commission for cause. When the licensee is not a natural person, all licenses issued pursuant to this chapter shall expire on the last day of the month of the licensee's incorporation or other organization.

22 Authority of State Liquor Commission; Elimination of Power to Discipline Licensees and Permittees for Making Excessive and Unreasonable Profits. Amend RSA 178:11 to read as follows:

178:11 Suspension or Revocation. It shall be the duty of the commission to cause frequent inspections to be made of all the premises with respect to which any license or permit shall have been issued under the provisions of this title. If any licensee or permittee violates any of the provisions of this [chapter] title or any of the rules [and regulations] of the commission [promulgated pursuant thereto] adopted under this title or fails to superintend in person or through a manager approved by the commission the business for which the license or permit was issued or allows the premises with respect to which the license or permit was issued to be used for any unlawful, disorderly or immoral purposes or knowingly employs in the sale or distribution of liquor or beverages any person who has been convicted of a felony or otherwise fails to carry out in good faith the

purposes hereof, the license or permit of such licensee or permittee may be suspended by the commission without hearing, and may be revoked after notice and hearing. [The commission may investigate the prices charged for liquor and beverages by licensees and permittees. The commission may revoke or suspend the license of any licensee or the permit of any permittee if it finds after notice and hearing that the profit made from the sale of liquor or beverages by such licensee or permittee is unreasonable and excessive.]

23 New Section; State Liquor Commission; Authority. Amend RSA 178 by inserting after section 12 the following new section:

178:13 Enforcement Policy.

I. The state liquor commission shall adopt by rule under RSA 541-A a formal enforcement policy for licensees and permittees under its jurisdiction.

II. This policy shall specify the disciplinary action which the commission shall take for violations of various laws under its jurisdiction. The enforcement policy shall also specify mitigating and aggravating factors which the commission shall consider in determining penalties for specific actions.

III. In applying its enforcement policy, the liquor commission shall establish and enforce specific determinate penalties for specific offenses. The commission shall not apply penalties such as license suspensions for indefinite periods of time.

24 State Liquor Commission; Adoption of Enforcement Policy; Date. The state liquor commission shall adopt the enforcement policy required under RSA 178:13 by January 1, 1988.

25 Solicitor's License; Authorization of Solicitors to Employ Registered Sales Agents. Amend RSA 178-A:7 to read as follows:

178-A:7 Solicitor's License. A solicitor's license shall authorize the holder thereof to offer for sale or solicit orders for the sale of any wine if the vendor of such wine is the holder of a manufacturer's license or certificate. [Solicitor's] Solicitors' licenses shall be issued [only] upon the recommendation of the vendor whom the solicitor represents. A licensed solicitor may also employ registered sales agents in accordance with RSA 178-A:7-a.

26 New Section; Registered Sales Agents. Amend RSA 178-A by inserting after section 7 the following new section:

178-A:7-a Registered Sales Agents.

I. A solicitor licensed under RSA 178-A:7 may employ sales agents who shall be registered with the commission.

II. The registration fee for sales agents shall be \$37.50.

III. Sales agents may, under the supervision of a licensed solicitor, offer for sale or solicit orders for wine if the vendor of such wine is the holder of a manufacturer's license or certificate.

IV. Notwithstanding RSA 178-A:8, the registration of sales agents shall expire annually on the same date as the license of the supervising solicitor.

V. A sales agent shall only offer wine for sale or solicit orders for wine while in the employ of a licensed solicitor.

27 Change of Expiration Date. Amend RSA 178-A:8 to read as follows:

178-A:8 Expiration of Licenses. All licenses, certificates, and permits issued pursuant to this chapter shall expire [May 31 following the date of issuance thereof] on the last day of the month of the licensee's birthday. When the licensee is not a natural person, all licenses, certificates, and permits issued pursuant to this chapter shall expire on the last day of the month in which such licensee was incorporated or otherwise organized. Said licenses, certificates, and permits shall be renewed by the commission annually unless the commission finds, after notice and hearing, that the renewal thereof would be against the public interest.

28 Transportation; License; Vehicle. Amend RSA 178-A:15 to read as follows:

178-A:15 Transportation. A person may transport or deliver wine in this state without a permit therefor provided said wine was obtained as authorized by this chapter and provided such wine is for consumption only and not for resale purposes. Licensees may transport and deliver to their place of business wine purchased as authorized under this chapter; and[,] may transport and deliver anywhere in the state wine ordered from and sold by them in vehicles operated under the control of themselves or of their employees or agents; provided that the owner of such vehicles shall have obtained from the commission [, for such vehicle,] a vehicle permit for the transportation and delivery of wine. Every person operating such a vehicle when engaged in such transportation or delivery shall carry the vehicle permit [for the vehicle so operated], or a copy thereof, and shall carry such evidence as the commission [by regulation may prescribe] may require by rules adopted under RSA 541-A, showing the origin



and destination of the wine being transported or delivered. Upon demand of any law enforcement officer, agent or employee of the commission, the person operating such vehicle shall produce for inspection the vehicle permit and the evidence required by this section. Failure to produce such permit or evidence shall constitute prima facie evidence of unlawful transportation. Except as otherwise provided herein wine may be transported within the state only by railroad or steamboat corporation or a person regularly and lawfully conducting a general express or trucking business, and in each case holding a valid carrier's permit issued by the commission. Nothing in this section shall prohibit individual retail licensees from arranging for the delivery of wine products to a location central to the parties involved.

29 Vehicle Permits. Amend RSA 178-A:16 to read as follows:

178-A:16 Vehicle Permits. Vehicle permits shall authorize the permittee to transport and deliver beverages ordered from and sold by the commission in vehicles operated under the control of himself or of his employee or agents. [Each vehicle shall have a separate permit.]

30 Carrier Permits. Amend RSA 178-A:17 to read as follows:

178-A:17 Carrier Permits. Carrier permits shall authorize the permittee to transport and deliver beverages. [A separate permit shall be required for each vehicle, car or boat used by the carrier.]

31 Rulemaking; Table Wines. Amend RSA 178-A:21, II to read as follows:

II. A schedule of hours and procedures by which table wines may be purchased [for resale by holder of retail wine licenses at a discount price of 25 percent less than the regular retail price at the state liquor stores] at the discount price for resale by holders of retail wine licenses at 15 percent less than the regular retail price in the liquor stores and 20 percent less than the regular price F.O.B. at the warehouse.

32 Domestic Wine Manufacturer; License; Expiration. Amend RSA 178-B:3 to read as follows:

178-B:3 Fee. Notwithstanding the provisions of RSA 178-A:9, each manufacturer of domestic wines shall pay an annual license fee of \$750 for the manufacture, sale and distribution of domestic wines within or without the state. Such fee shall be due annually on the



last day of the month of the licensee's birthday or, when the licensee is not a natural person, on the last day of the month of the licensee's incorporation or other organization. This fee shall be in lieu of all other fees imposed by this title, except as provided in RSA 178-B:5, IV.

33 Change of Expiration Date. RSA 181:16 is repealed and reenacted to read as follows:

181:16 Fees; Expiration Dates.

I. The annual fees required for each permit issued pursuant to the provisions of this chapter shall be as follows:

- (a) On-sale permit, \$262.50.
- (b) Off-sale permit, \$150.
- (c) Manufacturer's permit, \$1,125.
- (d) Wholesaler's permit, \$1,125.
- (e) Solicitor's permit, \$15.
- (f) Vehicle permit, \$1.50.
- (g) Carrier permit, \$75 plus \$1.50 for each vehicle employed in the transportation of alcoholic beverages within the state.
- (h) Vessel permit, \$75 per vessel.
- (i) Dining-car permit, \$150, which shall be issued to the railroad corporation.
- (j) Special permit, \$1.50.

II. The required fee shall accompany the application.

III. A permit, other than a special permit, shall expire on the last day of the month of the licensee's birthday. When the licensee is not a natural person, all permits, other than special permits, issued pursuant to this chapter shall expire on the last day of the month in which such licensee was incorporated or otherwise organized. Any permit may be revoked prior to its expiration date by the commission for cause.

IV. Permits shall not be transferred except with the consent of the commission. Each permit, except a solicitor's permit, shall designate the place of business for which it is issued. When transferred, a permit shall, unless revoked for cause by the commission, remain valid, pursuant to RSA 181:16, III, until the date on which such permit would have expired had it not been transferred. The initial renewal of any such transferred permit shall be effective until the last day of the month of the licensee's birthday. When the licensee is not a natural person, the initial renewal of any such transferred permit shall be effective until the last day of the month in which such licensee was incorporated or otherwise organized. The fee for the initial renewal of any such transferred permit shall be prorated. Subsequent re-

newals of transferred permits shall each be effective for one year, unless revoked for cause by the commission.

34 New Paragraph; Suspension for Non-Payment Prohibited. Amend RSA 181:23 by inserting after paragraph IV the following new paragraph:

V. Notwithstanding the provisions of RSA 178:11, no on-sale or off-sale permittee or licensee who is delinquent under paragraph I of this section shall have his permit or license suspended because of such delinquency.

35 State Liquor Commission; Report; Consolidation of Licenses and Permits. The state liquor commission shall, by September 15, 1987, submit a report to the speaker of the house and president of the senate which shall include proposed legislation to provide for a reduction in the number of different types of licenses and permits issued by the commission. This shall be accomplished by consolidating current license and permit categories of a similar nature. The report shall also include a proposal for a revised license and permit fee schedule. Such schedule shall be designed to provide for similar fees for similar types of licenses and permits. This proposal shall include a plan to establish a license and permit fee schedule which is based on the value of business of the licensee or permittee.

36 Termination of State Liquor Commission, Office of the Commissioner, Administration. Sub-PAU 02130101, state liquor commission, office of the commissioner, administration, shall terminate on July 1, 1988, unless the general court takes action prior to that date to reauthorize the commission. If sub-PAU 02130101 is not renewed prior to July 1, 1988, all appropriations allocated to this PAU shall be suspended and all personnel funded through this sub-PAU shall be terminated as of that date. This provision shall be independent of the requirements of RSA 17-G.

37 Salary; Executive Director. Amend RSA 94:1-a, I by inserting in Group P the following:

Executive Director, liquor commission.

38 Transition. The director of marketing, merchandising and store operations in office as of the effective date of this act shall become the first unclassified executive director, as established by this act.

39 Expiration of Licenses Renewed or Issued in May 1987; Rule-making. The liquor commission shall adopt rules, pursuant to RSA 541-A, relative to bringing the expiration dates of certificates, li-

censes, and permits issued pursuant to RSA 175, 178, 178-A, 178-B, and 181 into compliance with this act by July 1, 1988. Such rules may provide for pro-rating the fees charged licensees, permittees, and holders of certificates.

40 Price of Wine; No Restrictions. Notwithstanding RSA 178-A:4, I, until June 1, 1988, there shall be no restrictions on the retail price of wine sold under RSA 178-A.

41 Repeal. The following are repealed:

I. RSA 181:13, relative to prohibiting the sale of beverages on trains at terminal stations and the sale of beverages on passenger vessels while in port.

II. 1983, 388:7, which would have repealed RSA 178:7, II, relative to additional club licenses.

III. 1983, 388:8, as amended by 1985, 67:2, relative to licenses to clubs incorporated under the laws of this state or which are affiliated with any national fraternal organization.

42 Effective Date.

I. Sections 3, 4, 6, 21, 27, 32, and 33 of this act shall take effect July 1, 1988.

II. Sections 5, 15, 22, 28-31, 39, and 41 of this act shall take effect 60 days after its passage.

III. The remainder of this act shall take effect upon its passage.

Amendment Adopted.

Senator Bartlett moved to waive reference to Rule 24 on HB 133-FN.

Adopted. Ordered to Third Reading.

## SUSPENSION OF RULES

Senator Blaisdell moved that the rules of the Senate be suspended to introduce House Bills not previously advertised in the calendar. Said bills being; HB 651-FN, HB 216-FN, HB 345-FN and HB 659-FN.

Adopted.

## COMMITTEE REPORTS

HB 651-FN, Relative to compensation of district court justices and special justices. Ought To Pass. Senator Podles for the Committee.

SENATOR PODLES: HB 651 provides for more equitable compensation formula for part-time district court justices which more accurately reflects their case load. The bill also changes the limit on when a district court part-time justice must stop practicing law and the bill also addresses the salaries of special justices in the district court. It makes the salaries more closely matched with the Superior Court Masters. The Finance committee recommends ought to pass.

Adopted. Ordered to Third Reading.

HB 216-FN, Making an appropriation for the driver training program. Ought to Pass. Senator Torr for the Committee.

SENATOR TORR: HB 216 provides for \$25 per student, going back to the community. The committee recommends ought to pass.

Adopted. Ordered to Third Reading.

HB 345-FN, Relative to salaries of probate judges and the sessions of probate courts and making an appropriation therefor. Ought to Pass. Senator Podles for the Committee.

SENATOR PODLES: HB 345 is on probate judges and it's a more equitable treatment of probate judges than now exists. The bill also establishes a weighted case load formula for receiving part-time probate judges, with an eye towards deciding if they should be made full-time. There is \$115,000 that's a budget item for new obligations expected after this review system starts to work. The Finance Committee recommends ought to pass.

Adopted. Ordered to Third Reading.

HB 659-FN, Relative to payment of court appointed counsel and court costs in certain cases and making an appropriation therefor. Ought to Pass. Senator Podles for the Committee.

SENATOR PODLES: This fell through the cracks when all the court costs were transferred to the State. It shifts from the county to the State payment of court costs and guardian ad litem fees in cases involving guardianship, conservatorship and termination of parental rights. It appropriates \$140,000 for the biennium and the Finance Committee recommends ought to pass.

Adopted. Ordered to Third Reading.

## TAKEN FROM THE TABLE

Senator Johnson moved to take HB 661-FN off the table.

Adopted.

HB 661-FN, Changing the name of the department of postsecondary vocational-technical education. Ought to Pass with Amendment. Senator Johnson for the Committee.

SENATOR JOHNSON: This amendment was offered to the Education Committee and it establishes a study committee to look into a number of different aspects of the Department of Postsecondary vocational-technical education. I think the idea behind that study committee is sound and I would support that. However, I will speak to a subsequent floor amendment having to do with changing the name of the department. I do believe that we ought to pass the amendment setting up a study committee.

SENATOR HOUNSELL: Senator Johnson, it's my understanding that what we're voting on is a study committee?

SENATOR JOHNSON: It's an amendment to HB 661, Senator Hounsell, which does indeed establish a study committee to look after a number of aspects of the department of postsecondary vocational-technical education.

SENATOR HOUNSELL: Does it strike the existing language that's in the bill?

SENATOR JOHNSON: The floor amendment that I will offer will do that, yes. The amendment that we're voting on right now does not affect the main bill itself.

SENATOR HOUNSELL: If I vote for the committee amendment, am I voting to change the name of the department of postsecondary vocational-technical?

SENATOR JOHNSON: No, you're not. You're voting to establish a study committee to look into a number of aspects of the department.

SENATOR BOND: Senator Johnson, acknowledging that we agree that there are problems in postsecondary vocational-technical education and acknowledging that the name is a tongue twister that for fair marketing purposes of the institution, taking vocational out



would make it a much easier organization to deal with, even legislatively. Didn't we establish an oversight committee similar to the oversight committee for the University System to oversee just exactly these items and to insure that they do live up to the expectations that the House, in its original bill, 661, envisioned?

SENATOR JOHNSON: Senator Bond, it is for that reason that I support the amendment that was offered to the committee, setting up the study committee. So, yes indeed, I endorse the notion of establishing the study committee, but that has nothing to do with the name change.

SENATOR BOND: I'm confused, Senator Johnson, because I thought that the oversight committee that we established was intended to do what your amendment is stating it intends to do.

SENATOR JOHNSON: Senator Bond, we're voting on the amendment that the committee offered to HB 661, not my floor amendment. It would not be in today's calendar. It's a floor amendment.

SENATOR DUPONT: At the time, I raised a question about the makeup of the study committee which had five members of the House and three Senate members on the committee. Has that been changed?

SENATOR JOHNSON: Apparently not, Senator Dupont.

SENATOR NELSON: I just want to clarify one thing. Here I have the Senate floor amendment. Is it not the same as the amendment on the bill, with the exception of the third page?

SENATOR JOHNSON: No, the floor amendment will retain the study committee amendment, but will postpone the possibility of a name change. So, if you're in favor of establishing this study committee, then you would vote in favor of the amendment that was offered to HB 661.

#### Amendment to HB 661-FN

Amend the title of the bill by replacing it with the following:



## AN ACT

changing the name of the department of postsecondary vocational-technical education, and establishing a postsecondary vocational-technical education study committee.

Amend the bill by replacing all after section 3 with the following:

4 New Subdivision; Study Committee. Amend RSA 188-F by inserting after section 32 the following new subdivision:

Postsecondary Vocational-Technical Education  
Study Committee

188-F:33 Study Committee. A permanent study committee of 8 members is hereby established to examine the goals, purposes, organization and financing of the department of postsecondary vocational-technical education and to evaluate and make recommendations on the vocational-technical colleges and the technical institute.

188-F:34 Membership. The committee shall be appointed as follows: 5 senators, including the chairman of the senate education committee and a member of the senate finance committee, by the president of the senate; 3 representatives, including the chairman and at least 2 other members of the house education committee and a member of the house appropriations committee, by the speaker of the house of representatives. The chair of the study committee shall rotate biennially between the chairman of the house education committee and the chairman of the senate education committee. A member shall only serve while he is a member of the general court. The members shall not be entitled to any salary but are entitled to reimbursement for mileage and other expenses incurred in carrying out their duties. The committee may hire necessary consultants, professional or clerical personnel.

188-F:35 Duties

I. The committee shall study, among other things, the following:

- (a) The operation of the department;
- (b) The goals and purposes of the department;
- (c) The organization of the department;
- (d) The size of the department;
- (e) The financing of the department; and
- (f) Any other areas which will act as a guide to the legislature and trustees in formulating policies for the future.

II. The committee shall act as liaison between the department, the general court and the public to promote better understanding and communications between the department, the general court and the public.

III. Whenever the department is scheduled for sunset review according to RSA 17-G, the members of the department study committee shall work in cooperation with the house and senate committees as they participate in the sunset process during the year preceding the legislative session in which the department is scheduled for review.

188-F:36 Report and Recommendations. The committee shall submit a report to the general court by January 15 of each odd-numbered year, except when the department is scheduled for sunset review pursuant to RSA 17-G. Copies of the report shall be submitted to the governor and council, each member of the senate and the house of representatives, the board of governors of the department, and to any other individual or organization as the committee deems advisable.

188-F:37 Aid and Grants. The committee is hereby authorized to accept and use aid or grants or both received from any source for the purposes of this subdivision.

Amendment Adopted.

Senator Johnson offered a floor amendment.

SENATOR JOHNSON: What is in order now is the floor amendment to HB 661-FN and it's identified as #2635B. What this floor amendment does is retains the study committee, but does not change the name of this department in those schools. I offer this floor amendment for several reasons. Perhaps the most important is that now that we have established a study committee, we should not make a major change, i.e. a name change at this time and then appoint a study committee to make a study of that department. I remind the Senate that the Senate has a number of times rejected the notion of changing the name and I think it would be premature to do that at this time, while at the same time establishing a study committee. My own personal feeling is that, if the study committee that we have now voted comes back and offers a change in the name based on their study, I'd probably be inclined to support it. But at this time, I think it would be premature to make that name change, in view of the fact that we just voted to establish a study committee. So, I urge you to vote for this floor amendment.

SENATOR BARTLETT: I guess I'm consistent with what I think, Senator Dupont, and I apologize for not being fully aware of this. You have a five-three committee, is there any reason why we would not have five-five or three-three?

SENATOR JOHNSON: No, Senator Bartlett, I'm embarrassed that that did not get taken care of in my floor amendment here. There was certainly no intent to do that and I've always been consistent in establishing the membership of the Senate and the House. If there's a way to change that, I would do so.

SENATOR BOND: I rise in opposition to Senator Johnson's floor amendment. Although, I understand that his intent, my concern is the marketing of the vocational-technical education system and the fact that the use of the word vocational is triply confusing because it's applied here, it's in vocational rehabilitation, it's in the system within the high school. It is a confusing item when it's used in the title of the technical college system. Because this amendment includes that provision that prevents the implementation of the new name, now I would have to oppose the amendment. I just think that every time you hear this, postsecondary vocational-technical college, you have to realize what a stumbling block a piece of language is to an item that we're trying to market to the youth in this State.

SENATOR NELSON: I would just say, that I sat on the House Education Committee for four years prior to coming over to this side of the Senate. I will tell you that this bill has come before us twice and in both cases there was a strong group of people who advocated this change, starting with the top of the postsecondary system, down to the students. Again, we heard this bill before the Senate committee and there was only one or two people who came in and opposed it. I received calls from presidents of the colleges and also the students, so before we vote on this amendment I'd like to make this clear to the body that, in fact, there are many people out there who support the name change. There are those people who aren't sure about the name change. There is one board member who is opposed to the name change and there are some people who are opposed. But there's a lot of support for this bill out there in the colleges themselves.

SENATOR HOUGH: I would like to re-affirm the remarks of Senator Bond and Senator Nelson. I was involved with this issue two years ago. The bill, in its present form, prior to adopting the Johnson amendment, strikes the word "vocational", eliminates the confu-

sion between vocational-rehabilitation, which is a specific program in the department. It recognizes the technical colleges and institutions for what they are; they're training grounds for our fast moving economy and identifies the sophisticated technical education that we are providing for the young people of New Hampshire. I couldn't agree more with Senator Bond. He's absolutely correct. Vote down this amendment.

SENATOR BLAISDELL: I agree with Senator Bond.

SENATOR HOUNSELL: I agree with Senator Johnson. I'm a licensed master plumber. That is a vocation. I think that we should adopt this amendment that is before us.

SENATOR DISNARD: I'd like to talk about fairness to a member of the Senate. The committee did vote first to do away with the vocational name and title. We were at an announced meeting, three of us were attending, one could not attend, and we agreed unanimously with the request of the Senator to change our mind, reconsider, and allow a study committee and also this name to be involved in an amendment for the study committee. I just wish to say I understand what you're saying; you're saying what the committee first decided. But on the other hand, it was a committee decision unanimous of those attending. I, for one, feel that if the committee made a decision unanimously, then in fairness and courtesy to a Senator, that this body should stick with that.

SENATOR BOND: Senator Disnard, would you believe if I told you that this is the first that I heard that the bill was expected to include putting off the change of the name?

SENATOR DISNARD: I thought we had told you because you couldn't attend that meeting and we had seen you in the morning, but things came up in the crunch. Yes, I do believe you.

#### Floor Amendment to HB 661-FN

Amend the title of the bill by replacing it with the following:

#### AN ACT

establishing a postsecondary vocational-technical  
education study committee.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Study Committee. Amend RSA 188-F by inserting after section 32 the following new subdivision:

Postsecondary Vocational-Technical Education  
Study Committee

188-F:33 Study Committee. A permanent study committee of 8 members is hereby established to examine the goals, purposes, organization and financing of the department of postsecondary vocational-technical education and to evaluate and make recommendations on the vocational-technical colleges and the technical institute.

188-F:34 Membership. The committee shall be appointed as follows: 3 senators, including the chairman of the senate education committee and a member of the senate finance committee, by the president of the senate; 5 representatives, including the chairman and at least 2 other members of the house education committee and a member of the house appropriations committee, by the speaker of the house of representatives. The chair of the study committee shall rotate biennially between the chairman of the house education committee and the chairman of the senate education committee. A member shall only serve while he is a member of the general court. The members shall not be entitled to any salary but are entitled to reimbursement for mileage and other expenses incurred in carrying out their duties. The committee may hire necessary consultants, professional or clerical personnel.

188-F:35 Duties.

I. The committee shall study, among other things, the following:

- (a) The operation of the department;
- (b) The goals and purposes of the department;
- (c) The organization of the department;
- (d) The size of the department;
- (e) The financing of the department; and
- (f) Any other areas which will act as a guide to the legislature and trustees in formulating policies for the future.

II. The committee shall act as liaison between the department, the general court and the public to promote better understanding and communications between the department, the general court and the public.

III. Whenever the department is scheduled for sunset review according to RSA 17-G, the members of the department study committee shall work in cooperation with the house and senate committees



as they participate in the sunset process during the year preceding the legislative session in which the department is scheduled for review.

188-F:36 Report and Recommendations. The committee shall submit a report to the general court by January 15 of each odd-numbered year, except when the department is scheduled for sunset review pursuant to RSA 17-G. Copies of the report shall be submitted to the governor and council, each member of the senate and the house of representatives, the board of governors of the department, and to any other individual or organization as the committee deems advisable.

188-F:37 Aid and Grants. The committee is hereby authorized to accept and use aid or grants or both received from any source for the purposes of this subdivision.

2 Study of Possible Name Change. The postsecondary vocational-technical education study committee established in RSA 188-F:33 shall examine the possibility and feasibility of changing the name of the department of postsecondary vocational-technical education to the department of postsecondary technical education. The committee shall submit their report and recommendation on this study to the president of the senate, the speaker of the house of representatives, the governor, and the chairs of the house and senate education committees

3 Effective Date. This act shall take effect July 1, 1987.

Floor Amendment Adopted.

Senator Johnson offered further floor amendment.

SENATOR JOHNSON: This amendment provides for the Senate membership to be the same as the House, namely three members each.

Floor Amendment to HB 661-FN

Amend the title of the bill by replacing it with the following:

#### AN ACT

establishing a postsecondary vocational-technical  
education study committee.

Amend the bill by replacing all after the enacting clause with the following:



1 New Subdivision; Study Committee. Amend RSA 188-F by inserting after section 32 the following new subdivision:

Postsecondary Vocational-Technical Education  
Study Committee

188-F:33 Study Committee. A permanent study committee of 6 members is hereby established to examine the goals, purposes, organization and financing of the department of postsecondary vocational-technical education and to evaluate and make recommendations on the vocational-technical colleges and the technical institute.

188-F:34 Membership. The committee shall be appointed as follows: 3 senators, including the chairman of the senate education committee and a member of the senate finance committee, by the president of the senate; 3 representatives, including the chairman of the house education committee and a member of the house appropriations committee, by the speaker of the house of representatives. The chair of the study committee shall rotate biennially between the chairman of the house education committee and the chairman of the senate education committee. A member shall only serve while he is a member of the general court. The members shall not be entitled to any salary but are entitled to reimbursement for mileage and other expenses incurred in carrying out their duties. The committee may hire necessary consultants, professional or clerical personnel.

188-F:35 Duties.

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- (a) The operation of the department;
- (b) The goals and purposes of the department;
- (c) The organization of the department;
- (d) The size of the department;
- (e) The financing of the department; and
- (f) Any other areas which will act as a guide to the legislature and trustees in formulating policies for the future.

II. The committee shall act as liaison between the department, the general court and the public to promote better understanding and communications between the department, the general court and the public.

III. Whenever the department is scheduled for sunset review according to RSA 17-G, the members of the department study committee shall work in cooperation with the house and senate committees

as they participate in the sunset process during the year preceding the legislative session in which the department is scheduled for review.

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188-F:37 Aid and Grants. The committee is hereby authorized to accept and use aid or grants or both received from any source for the purposes of this subdivision.

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3 Effective Date. This act shall take effect July 1, 1987.

Floor Amendment Adopted. Ordered to Third Reading.

Senator Blaisdell moved that the Senate waive reference to Finance, a bill with a small appropriation on it that we had passed earlier, said bill being HB 366.

Adopted.

Senator Pressly excused for the remainder of the day.

TAKEN FROM THE TABLE

Senator St. Jean moved to take SB 84 off the table.

SB 84, Restricting the use of double trailers in cities and towns of the state.

Required 2/3 vote needed.

Division vote:

18 Yeas

4 Nays

Adopted.

Senator St. Jean moved to lay SB 84 on the table.

Adopted.

Senator Hough moved to take HB 624 off the table.

HB 624, Relative to survivors' benefits of New Hampshire permanent firemen's retirement system members receiving disability retirement benefits.

Adopted.

SENATOR HOUGH: I move that HB 624 be reported ought to pass and waive reference to Rule 24 to Finance.

SENATOR CHARBONNEAU: How many on this \$26,000, does that come out of State funds or is that their own retirement?

SENATOR HOUGH: Their own.

SENATOR WHITE: First of all, how does this dovetail with an earlier Senate Bill that we had in regards to allowing the survivors to take a different retirement after the retiree has died?

SENATOR HOUGH: It doesn't.

SENATOR WHITE: As I understand it, this bill does not have any money in it and I just question why, at this hour, we're debating a bill that we could be discussing, when we have a little more knowledge of it, on Thursday. I would hope that we could put it back on the table, so that we'll know exactly what we're talking about.

Adopted. Ordered to Third Reading.

## HOUSE MESSAGES

### HOUSE RE-REFERRED TO COMMITTEE

SB 238-FN, Relative to bail reform.

SB 237-FN, Relative to the controlled drug act.

SB 239-FN, Relative to electronic privacy.

## HOUSE NON-CONCURS

SB 202-FN, Relative to the state treasurer and the secretary of state.

SB 108 Relative to immunity in criminal cases.

SB 209-FN, Relative to implementing national standards for specific information signs.

## HOUSE NON-CONCURS IN SENATE AMENDMENT

HB 175-FN, Relative to sunset review of standardbred breeders and owners development agency.

## HOUSE CONCURS

SB 54, Relative to the investments of non-profit health service corporations.

SB 173, Relative to disclosure of motor vehicle defects.

SB 217-FN, Relative to school administrative units.

SB 115, Relative to marriage.

SB 121-FN-A, Authorizing the attorney general to undertake proceedings on behalf of resident taxpayers of this state regarding certain taxes imposed by the state of Maine.

## HOUSE CONCURS WITH SENATE AMENDMENTS

HB 292-FN, Permitting permanent policemen who serve as field representatives for the police standards and training council and permanent firemen who serve with the fire standards and training council to continue as group II members of the New Hampshire retirement system.

HB 474-FN, Relative to solicitations for charitable purposes.

HB 633-FN, Relative to unlicensed funeral home employees and funeral home inspections.

## HOUSE NON-CONCURS IN SENATE AMENDMENTS

## REQUESTS COMMITTEE OF CONFERENCE

HB 124-FN, Relative to sunset review of the real estate commission.

The Speaker has appointed Reps: Hawkins, McDonald, Ford and Pelley.

Senator Disnard moved to accede to the request for a committee conference.

Adopted.

The Chair appointed Senators: Freese, Disnard and Dupont.

HB 156-FN, Relative to sunset review of nurses registration board.

The Speaker has appointed Reps: Hawkins, McCain, Ann Torr and LaChance.

Senator Stephen moved to accede to the request for a committee conference.

Adopted.

The Chair appointed Senators: Freese, Stephen and Delahunty.

HB 595, Changing the time and place for holding the first meeting of the county convention.

The Speaker has appointed Reps: Normandine, Adams, Roger King and Dykstra.

Senator Pressly moved to accede to the request for a committee conference.

Adopted.

The Chair appointed Senators: Pressly, Johnson and Charbonneau.

HB 440, Relative to intrastate motor carriers.

The Speaker has appointed Reps: Haynes, John Flanders, Burt Knight and Malcolm.

Senator Hounsell moved to accede to the request for a committee conference.

Adopted.

The Chair appointed Senators: Hounsell, Pressly, and Johnson.

HB 300-A, Making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1988 and June 30, 1989.

The Speaker has appointed Reps: Scamman, Kidder, Gross, Hager and Ramsay.

Senator Bartlett moved to accede to the request for committee of conference.

Adopted.

The Chair appointed Senators: Bartlett, Blaisdell and Hough. Alternates: Senators Dupont and St. Jean.

HB 200-A, Making appropriations for capital improvements.

The Speaker has appointed Reps: Pearson, Marsh, LaMott and Matson.

Senator Torr moved to accede to the request for committee of conference.

Adopted.

The Chair appointed Senators: Torr, White and Nelson.

HB 100-A, Making appropriations for capital improvements.

The Speaker has appointed Reps: Pearson, Marsh, LaMott and Matson.

Senator Torr moved to accede to the request for committee of conference.

Adopted.

The Chair appointed Senators: Torr, White and Nelson

HB 145-FN, Relative to sunset review of the New Hampshire port authority.

The Speaker has appointed Reps: Irvin Gordon, Malcolm, Gosselin and Hoar.

Senator Preston moved to accede to the request for committee of conference.

Adopted.



The Chair appointed Senators: St. Jean, Preston and Podles.

HB 692-FN, Establishing an involuntary treatment task force.

The Speaker has appointed Reps: Sochalski, Foster, Wilson and Lawrence Chase

Senator Krasker moved to accede to the request for committee of conference.

Adopted.

The Chair appointed Senators: Krasker, White and Bond.

HB 177-FN, Relative to sunset review of veterinary/medical/optometric education program and amending such program.

The Speaker has appointed Reps: Tufts, Cutting, Skinner and Winn.

Senator Disnard moved to accede to the request for committee of conference.

Adopted.

The Chair appointed Senators: Disnard, Nelson and Bond.

HB 168-FN, Relative to sunset of joint board of engineers, architects and land surveyors.

The Speaker has appointed Reps: Hawkins, McCain, Rosencrantz and Ann Torr.

Senator Bartlett moved to accede to the request for committee of conference.

Adopted.

The Chair appointed Senators: Dupont, Disnard and Bartlett.

HB 127, Relative to sunset review of the board of veterinary examiners and relative to preliminary hearings.

The Speaker has appointed Reps: McCain, Wayne King, Wright and Nancy Ford.

Senator Freese moved to accede to the request for committee of conference.

Adopted.

The Chair appointed Senators: St. Jean, Podles and Preston.

### SENATE REFUSES TO ACCEDE

HB 348, Relative to the superintendent of the Anna Philbrook Center and making an appropriation therefor.

### HOUSE REQUESTS CONCURRENCE IN AMENDMENTS

SB 109, Expanding the prohibition on possession of dangerous weapons by felons.

Senator Podles moved to concur.

Adopted.

CACR 21, Relating to rulemaking authority. Providing that the general court may delegate regulatory authority to executive branch officials, but such rules may be disapproved by the general court.

Senator Hounsell moved to concur.

Adopted.

SB 80, Amending the statutory speed limit on certain highways of the state.

Senator Preston moved to concur.

Adopted.

SB 56, Relative to false impersonation of a law enforcement officer or investigator.

Senator Podles moved to concur.

Adopted.

SB 51, Relative to airboats, mufflers and decibel levels of boats.

Senator Preston moved to concur.

Adopted.

SB 193, Reinstating the charter of United Energy Systems, Inc.

Senator Freese moved to concur.

Adopted.

SB 138, Relative to sessions for correcting the checklist.

Senator St. Jean moved to concur.

Adopted.

SB 43-FN, Relative to regional banking.

Senator Dupont moved to concur.

Adopted.

SB 67, Increasing the local share of hazardous material transportation fund fees allocated to local emergency response programs.

Senator Delahunty moved to concur.

Adopted.

SB 228-FN, Relative to disobeying a law enforcement officer.

Senator Podles moved to concur.

Adopted.

SB 91, Establishing a committee to evaluate the foundation aid formula.

Senator Disnard moved to concur.

Adopted.

SB 21, Relative to administrative inspection warrants.

Senator Hough moved to concur.

Adopted

SB 155-FN, Relative to the collection of tolls on an incomplete turnpike highway system.

Senator Pressly moved to concur.

Adopted.

SB 220-FN, Relative to redemption after a tax sale.

Senator Torr moved to concur.

Adopted.

SB 149, To prohibit regulations which exclude a municipality's fair share of multi-family housing.

Senator Blaisdell moved to non-concur.

Adopted.

SENATE NON-CONCURS WITH AMENDMENTS  
REQUESTS COMMITTEE OF CONFERENCE

SB 229-FN, Relative to health clubs.

Senator Heath moved non-concur, requests conference.

Adopted.

The Chair appointed Senators: Pressly, Heath and Johnson

SB 178, Permitting the president of the New Hampshire Education Association to be eligible to participate in the New Hampshire retirement system.

Senator Disnard moved non-concur, requests conference.

Adopted.

The Chair appointed Senators: Disnard, Bond and Johnson.

SB 233-FN, Relative to capital budget requests for airports in the state.

Senator Dupont moved non-concur, requests conference.

Adopted.

The Chair appointed Senators: Torr, White and Krasker.

SB 139, Relative to election law dates.

Senator Freese moved non-concur, requests conference.

Adopted.

The Chair appointed Senators: Freese, Disnard and Delahunty

SB 27-FN, Relative to the commemorative rifle or shotgun lottery.

Senator Hounsell moved to non-concur, requests conference.

Adopted.

The Chair appointed Senators: Hounsell, Krasker and Freese.

SB 90, Relative to amusement parks.

Senator St. Jean moved to non-concur, requests conference.

Adopted.

The Chair appointed Senators: St. Jean, Hounsell and Freese.

SB 62, Relative to counting absentee ballots in cities and towns which use voting machines.

Senator Pressly moved to non-concur, requests conference.

Adopted.

The Chair appointed Senators: Pressly, Charbonneau and Johnson.

SB 83, Relative to distributing political campaign literature at polling places on election day.

Senator Freese moved to non-concur, requests conference.

Adopted.

The Chair appointed Senators: Freese, Disnard and Delahunty.

SB 211-FN, Relative to a license fee for clean-up of gasoline and oil underground storage tank leaks and spills and creating a study committee.

Senator Hounsell moved to non-concur, requests conference.

Adopted.

The Chair appointed Senators: Hounsell, Johnson and St. Jean.

### ENROLLED BILL REPORT

SB 158, Relative to limitations of prosecutions of sexual assault offenses.

SB 221, Relative to the due date for the meals and rooms tax return.

HB 37, Relative to the emergency management act.

HB 88, Relative to the pesticide control board; rulemaking hearings, exemptions, and definitions.

HB 131, Relative to sunset review of state liquor commission - office of the commissioner/administration.

HB 132, Relative to sunset review of state liquor commission-office of the commissioner/regulation.

HB 134, Relative to sunset review of state liquor commission-warehouse.

HB 158, Relative to sunset review of the department of education-adult basic education.

HB 180, Establishing a study committee to examine the publication and distribution of session laws.

HB 213, Relative to guardians for minors and the correction of statutory references for certain appeals.

HB 248, Allowing the expulsion of unruly persons from horse and dog racetrack grounds.

HB 299, Continuing pari-mutuel tax credits for dog races, and raising the limit therefor.

HB 327, Relative to funding for a pulp and paper technology program at the New Hampshire vocational-technical College at Berlin.

HB 329, Relative to estimated tax payments for railroads and public utilities.

HB 383, Relative to road tolls.

HB 362, Relative to returns and taxable meals under the meals and rooms tax.

HB 454, Relative to proof of exceptions.

HB 455, Relative to criminal mischief.

HB 600, Relative to OHRV fees.



HB 654, Relative to dogs and cats.

HB 686, Relative to farm plates.

HB 75, Relative to registration fees for pesticide products.

HB 157, Relative to sunset review of the board of education-general instructions, school district evaluation guidelines.

HB 173, Relative to sunset review of the postsecondary education commission-nursing scholarship program, requirements for the nursing scholarship program, and a leveraged incentive program.

HB 174, Relative to sunset review of postsecondary education commission-war orphans scholarships.

HB 208, Relative to the limit on trout taken by fly fishing in Clarksville Pond in the town of Clarksville.

HB 229, Relative to the exemption of skeet, trap, shooting sports clubs and owners of shooting ranges from any civil or criminal actions relating to noise pollution.

HB 425, Relative to the powers of the adult parole board and credits for good conduct.

HB 544, Increasing the limit on the state guarantee of bonds and notes of school districts.

HB 550, Regulating investment promoters.

HB 612, Relating to insurance holding companies.

HB 655, Relative to the testing of livestock in pulling contest.

HB 435, Creating a committee to study head injuries in New Hampshire and relative to health care for the indigent.

HB 292, Permitting certain group II members who serve with the police standards and training council or with the fire standards and training commission to continue as group II members of the New Hampshire retirement system.

HB 633, Relative to unlicensed funeral home employees and funeral home inspections.

SB 54, Relative to the investments of non-profit health service corporations.

SB 121, Authorizing the attorney general to undertake proceedings on behalf of resident taxpayers of this state regarding taxes imposed by the state of Maine.

SB 173, Relative to disclosure of motor vehicle defects.

SB 217, Relative to school administrative units.

### ENROLLED BILL AMENDMENTS

HB 547, Relative to medicaid fraud and patient abuse.

SENATOR CHANDLER: This amendment corrects a typographical error.

Amend the bill by replacing line 18 on page 1 with the following:

(b) provision of medical assistance under the state medicaid

Adopted.

HB 541-FN, Relative to developmentally disabled persons.

SENATOR CHANDLER: This amendment corrects an error in the amending language of the bill.

Amend the bill by replacing line 8 on page 1 with the following:

3 Definition Change. RSA 171-A:2, V is repealed and reenacted to

Adopted.

SB 195-FN, Relative to non-profit housing projects and the Senior Citizens Housing Development Corporation of Claremont, Inc.

SENATOR CHANDLER: This amendment corrects a grammatical error.

Amend the bill by replacing line 9 on page 1 with the following:

none of the income or profits is used for any purpose other than the

Amend the bill by replacing line 14 on page 2 of the bill with the following:

persons, if none of the income or profits is used for any purpose other

Adopted.

SB 133-FN, Relative to immunizing children.

SENATOR CHANDLER: This amendment inserts a missing catchline.

Amend page 4 of the bill by inserting after line 13 the following new line:

200:38 Control and Prevention of Communicable Diseases.

Adopted.

SB 103, Relative to motor vehicle license examinations.

SENATOR CHANDLER: This EBA corrects a cross-reference, and places 2 RSA sections in consecutive order.

Amend the bill by replacing line 17 on page 1 with the following:

263:7-e.

Amend the bill by exchanging lines 2-8 and lines 9-21 on page 3.

Adopted.

SB 99-FN, Establishing a study committee to determine whether the department of transportation has fully implemented the legislative directives of the general court.

SENATOR CHANDLER: This EBA corrects typographical errors in the bill.

Amend the bill by replacing line 3 on page 1 with the following:

whether or not the commissioner of the department of transportation has

Amend the bill by replacing line 14 on page 2 with the following:

senate, the speaker of the house of representatives, and the governor and

Adopted.

SB 94, Providing the legislative budget assistant with access to certain records.

SENATOR CHANDLER: This amendment corrects a citation in section 1 of the bill.

Amend the bill by replacing line 12 on page 1 with the following:

except for work papers as described in RSA 91-A:5, IV. In such situations,

Adopted.

HB 408-FN, Relative to establishing a uniform fine schedule for boating violations.

SENATOR CHANDLER: This amendment changes reference from "director of safety services" to "commissioner of safety" to be consistent with changes made in HB 526, an act establishing a department of safety, and corrects a typographical error.

Amend the bill by replacing line 2 on page 1 with the following:

270:11 Rulemaking and Enforcement. The commissioner of safety,

Amend the bill by replacing line 15 on page 1 with the following:

II. The commissioner shall enforce the provisions of this chapter and

Amend the bill by replacing line 2 on page 2 with the following:

this section, the commissioner and his duly authorized representatives shall

Amend the bill by replacing line 6 on page 2 with the following:

270:11-a Waiver in Lieu of Court Appearance. Any person charged with a

Adopted.

SB 172-FN, Regulating the taking of certain wildflowers and plants in New Hampshire.

SENATOR CHANDLER: This amendment corrects grammatical, typographical, and cross-reference errors.

Amend the bill by replacing line 14 on page 2 with the following:

217-A:3 Definitions. In this chapter:

Amend the bill by replacing line 16 on page 3 with the following:

IX. "Special concern species" means any species of plant that does

Amend the bill by replacing line 4 on page 6 with the following:

of plant shall be a protected species, the department shall consider any

Amend the bill by replacing line 8 on page 8 with the following:

217-A:10, III.

Adopted.

HB 509, Relative to boat maintenance or repair plates

SENATOR CHANDLER: This amendment inserts, in brackets, a word being deleted in section 1 of the bill.

Amend the bill by replacing line 6 on page 1 with the following:

requiring more than one number plate shall pay to the [said] director \$3 for each

Adopted.

HB 102-FN, Relative to sunset review of office of legislative services.

SENATOR CHANDLER: This amendment corrects several typographical errors.

Amend the bill by replacing line 4 on page 3 with the following:

the general court in connection with the performance of its functions; to

Amend the bill by replacing line 6 on page 3 with the following:

general court as circumstances will permit and which is in any way requested

Amend the bill by replacing line 14 on page 3 with the following:

III. [Pursuant to the direction of a special committee consisting  
Amend the bill by replacing line 8 on page 4 with the following:  
legislative term. [The first of said appointments shall be made for a  
Adopted.

### RESOLUTION

Senator Dupont moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the bills ordered to third reading be read a third time by this resolution and that all titles be the same as adopted and that they be passed at the present time; and that when we adjourn, we adjourn until Thursday, May 7, 1987 at 11:00 a.m.

Adopted.

### LATE SESSION

#### Third Reading and Final Passage

HB 201-FN, Increasing financial aid to the Exeter secondary treatment facility and making an appropriation therefor.

HB 260-FN-A, Providing for the reconstruction of a section of Prescott Road in the town of Raymond, and relative to the rehabilitation of the Westminster bridge on Routes 12 and 123 in the town of Walpole and making an appropriation therefor.

HB 167, Relative to sunset review of the department of post-secondary vocational-technical education.

HB 658-FN, Relative to the nursing scholarship program and private trade schools.

HB 357-FN-A, An act relative to respite care in area agencies and making an appropriation therefor.

HB 338-FN-A, An act relative to the senior companions and foster grandparents programs and making an appropriation therefor.

HB 376-FN-A, Relative to Alzheimer's disease and related disorders and making an appropriation therefor.



HB 364-FN-A, An act establishing an air toxics control program within the division of air resources, department of environmental services, and making an appropriation.

HB 309-FN-A, An act relative to the Nansen ski jump and making an appropriation therefor and repealing the Cannon Mountain aerial tramway fund and establishing a study committee for the state-owned ski operations.

HB 321-FN-A, An act creating the Connecticut River resource commission and making an appropriation therefor.

HB 322-FN-A, Relative to the AIDS virus and making an appropriation therefor and relative to blood tests before marriage.

HB 347-FN-A, An act relative to the dental hygienist program at the New Hampshire technical institute and making an appropriation therefor.

HB 458-FN, An act relative to the disposition of fines and forfeitures collected for violations of municipal ordinances, codes and regulations.

HB 552-FN, An act relative to deputy sheriffs and making an appropriation therefor.

HB 255-FN-A, An act dedicating a portion of the federal Wallop-Breaux funds, with the state matching funds, for the establishing of boat launching access and making an appropriation therefor.

HB 263-FN-A, An act establishing the arts development program and making an appropriation therefor.

HB 273-FN-A, An act relative to congregate services program and making an appropriation therefor.

HB 288-FN-A, An act establishing an office of victim/witness assistance and making an appropriation therefor.

HB 296-FN-A, An act relative to securities filing and examinations and making an appropriation therefor.

HB 586-FN, An act relative to mooring of boats on certain lakes in New Hampshire.

HB 607-FN, An act increasing the personal needs allowance for recipients of medical assistance residing in nursing homes, and making an appropriation therefor.

HB 629-FN, An act relative to the administration and investments of the New Hampshire retirement system.

HB 630-FN, An act relative to the reduction in benefits for group I members of the New Hampshire retirement system who retire before age 60.

HB 696-FN, An act relative to interest payment calculations under the New Hampshire retirement system and making an appropriation therefor.

HB 104-FN, An act relative to sunset review of the office of state planning and consolidating the functions of the office of state planning in a new RSA chapter.

HB 152-FN, Relative to sunset review of the board of education — administration and support, establishing a program for administrator excellence, and relative to catastrophic aid.

HB 326-FN-A, An act establishing homemaker services for certain persons and making an appropriation therefor.

HB 355-FN-A, An act relative to the assumption of local probation functions by the state and making an appropriation therefor; determining financial liability for certain educationally handicapped children under the supervision of the division for children and youth services and making an appropriation therefor; relative to special education and certified programs for children and youth in out-of-home placements and relative to foster family homes and making an appropriation therefor and establishing a committee on foster families.

HB 695-FN, Relative to committal orders for persons found not guilty by reason of insanity and to involuntary admissions under limited circumstances for the developmentally impaired.

HB 651-FN, Relative to compensation of district court justices and special justices.

HB 345-FN-A, Relative to salaries of probate judges and the sessions of probate courts and making an appropriation therefor.

HB 659-FN, Relative to payment of court appointed counsel and court costs in certain cases and making an appropriation therefor.

HB 216-FN, An act making an appropriation for the driver training program.

HB 725-FN, Relative to the attorney general and relative to the chief medical examiner.

HB 576-FN, Relative to worker's compensation lum sum payments and state retirement benefits.

HB 704-FN, Relative to the safety of facilities gathering, transmitting, and distributing petroleum gas, and requirements for liquid petroleum gas containers.

HB 133-FN, Relative to sunset review of state liquor commission - merchandising and relative to the state liquor commission.

HB 661-FN, Establishing a postsecondary vocational-technical education study committee.

HB 624, Relative to survivors' benefits of New Hampshire permanent firemen's retirement system members receiving disability retirement benefits.

Senator Dupont moved to adjourn until Thursday, May 7, 1987 at 11:00 a.m.

Adopted.

Adjourned

*Thursday, May 7, 1987*

Senate met at 11:00 a.m.

A quorum was present.

Prayer was offered by the Reverend Dr. Vincent Fischer, Senate Chaplain.

Let Us Pray. Lord, help us as we face the dilemma of The Budget! Like with a pie, we can cut it many ways but it is the same amount. Also with The Budget we only have so much money to work with to do the best we can - without further going into debt! Bless Us Lord!

Amen.

The Honorable Speaker of the House, W. Douglas Scamman, Jr. led the Pledge of Allegiance.

## INTRODUCTION OF GUESTS

### COMMITTEE REPORTS

HB 418, Relative to mutual holding companies. Re-refer to Committee. Senator Dupont for the Committee.

SENATOR DUPONT: HB 418 is in front of us today as a result of legislation that I sponsored in the last session that dealt with mutual holding companies and mutual banks. As a result of being unable to get the problems out of this bill, the Senate Bank Committee recommends re-refer.

Adopted.

HB 722, Relative to small loans. Ought to Pass. Senator Dupont for the Committee.

SENATOR DUPONT: HB 722 is a bill that we had before us last session which was sponsored by Senator Stephen. It deals with small loans that presently are not allowed to be written in the State of New Hampshire by certain providers of loans. The committee spent a considerable amount of time on this and we urge that it ought to pass.

Adopted. Ordered to Third Reading.

HB 532, Allowing real estate firms or brokers to establish interest-bearing trust accounts. Re-refer to Committee. Senator Dupont for the Committee.

SENATOR DUPONT: HB 532 is a bill, in our estimation, that a tremendous amount of good that could be derived from it. However, there are some problems that we again were unable to work out. I stand here today and make a commitment that this bill will be in front of you next session, hopefully with all the problems worked out of it.

Adopted.

HB 142-FN, Relative to sunset review of the fish and game department - administration and support. Ought to Pass with Amendment. Senator Hounsell for the Committee.

SENATOR HOUNSELL: This bill as amended renews two PAU's of the Fish and Game department - administrative and support and law enforcement for six years. The bill as amended requires executive directors to submit a report to the general court relative to fees, budget requirements, fee increases, inflation rates on department operations, and justification for general fund support by January 1, 1989 and to develop certain plans in agreement. We urge your Senate support.

#### AMENDMENT TO HB 142-FN

Amend the title of the bill by replacing it with the following:

##### An Act

relative to sunset review of the fish and game  
department - administration and support  
and the fish and game department -  
law enforcement.

Amend the bill by striking out all after section 2 and replacing it with the following:

3 New Section; Report to General Court. Amend RSA 206 by inserting after section 9 the following new section:

##### 206:9-a Biennial Report to General Court.

I. The executive director of the fish and game shall, not later than January 1 of each odd numbered year, submit a report to the general court outlining recommendations for changes in the fee structure for all licenses and permits issued by the department. This report shall include consideration of:

- (a) License fees in contiguous states.
- (b) Inflation rates on department operations.
- (c) Previous license fee increases.
- (d) Budget demands.

(e) Intensive analysis and justification for any general fund support for fish and game department programs.

II. The first report shall be submitted on or before January 1, 1989.

4 Promotion of Hunting and Fishing in the State. The executive director of the fish and game department and the commissioner of the department of resources and economic development shall, by January 1, 1989, develop a memorandum of agreement on a coopera-

tive effort to promote hunting and fishing activities within the state. Copies of this memorandum of agreement shall be made available to the appropriate standing committees of the legislature prior to the third legislative day of the 1989 regular session.

5 Information and Marketing Plan. The executive director of the fish and game department shall develop a formal public information and marketing plan for the department and provide copies of said plan to the appropriate standing committees of the legislature prior to the third legislative day of the 1989 regular session.

6 Sunset; The Fish and Game Department - Law Enforcement. Notwithstanding the provisions of RSA 17-G:8, VI, the fish and game department - law enforcement, PAU 030104, is hereby renewed to comply with RSA 17-G. The agency program shall terminate on July 1, 1993, subject to RSA 17-G.

7 Effect of Later Enactments. Passage of this act renewing the fish and game department - law enforcement shall not limit any subsequent legislative action affecting this agency or program. The general court shall retain its full power to make amendments to or to terminate the fish and game department - law enforcement, pursuant to RSA 17-G:9.

8 Effective Date. This act shall take effect upon its passage.

Amendment Adopted. Ordered to Third Reading.

### NOTICE OF RECONSIDERATION

Senator White served notice of reconsideration on HB 348, Relative to the division for children and youth services and appropriating funds for certain employee benefits.

### COMMITTEE REPORTS

HB 570-FN, Establishing a department of natural resources. Inexpedient to Legislate. Senator Preston for the Committee.

SENATOR PRESTON: HB 570 would have established a department of natural resources composed of parts of present departments of resources, economic development, of fish and game and so forth. The testimony was the most impressive part at the hearing of those who took time out of work or time away from their small businesses to make a couple of very distinct statements. This would have had a



very severe impact on the fish and game department, as we know it. Counselor Burton's comment says he summed up where "if it ain't broke, don't fix it". It's interesting that some of the very things that we criticize in our neighboring states aren't necessarily true. High paid bureaucrats, bigger agencies that don't relate as closely to the people as New Hampshire Government. I think it is important that we, as New Hampshire, say we don't want to be that way, that the fish and game department has related to the sportsmen who have, in essence, paid for the programs. There are problems with this bill that all the land became department property of the department. It had, in effect, been paid for by the sportsmen. This would seem to be a real doublecross or disenfranchisement of those that had shown such interest along the way. Really, I think it's a change of a way of life in a department that we have known for so long. It's not perfect, but it is responsive to those that use and love the forest. I think that we should kill this bill while we are making a very radical change in New Hampshire as we know it today.

SENATOR HOUNSELL: Just briefly, I was asked by every member of my committee, I call it mine because I am the chairman, it is actually your committee, but every member of the Development, Recreation & Environment committee, all six members asked me to state here on the floor that they are in full support of the inexpedient motion.

Adopted.

HB 225, Relative to stream reclassification of certain waters of the state. Ought to Pass with Amendment. Senator Hounsell for the Committee.

SENATOR HOUNSELL: The bill, as amended, upgrades the classification of several streams in the state to class B, expands the definition of the term dam for purposes of regulating the construction and operation of dams in the state, and it gives council established within the department of environmental services authority to adopt rules for the conduct of administrative appeal. We urge Senate support.

#### AMENDMENT TO HB 225

Amend the bill by replacing all after section 3 with the following:

4 Dams and Flowage; Definition. RSA 482:1, II is repealed and reenacted to read as follows:

II. "Dam" means any artificial barrier, including appurtenant works, which impounds or diverts water, and which has a height of 4 feet or more, or a storage capacity of 2 acre-feet or more, or is located at the outlet of a great pond. A roadway culvert shall not be considered a dam if its invert is at the natural bed of the water course, it has adequate discharge capacity, and it does not impound water under normal circumstances. Artificial barriers which create surface impoundments for industrial or commercial wastes or municipal sewage, regardless of height or storage capacity, shall be considered dams.

5 New Paragraph; Rulemaking; Administrative Appeals. Amend RSA 21-O:14 by inserting after paragraph III the following new paragraph:

IV. The councils established under this chapter may adopt rules under RSA 541-A to govern the conduct of administrative appeals under this section.

6 Effective Date. This act shall take effect 60 days after its passage.

Amendment Adopted. Ordered to Third Reading.

Senator Charbonneau was excused for the remainder of the day.

HB 18, Permitting independent voters to vote in a primary and change their registration back to independent on the same day of the primary. Ought to Pass with Amendment. Senator Stephen for the Committee.

SENATOR STEPHEN: HB 18 is permitting independent voters to vote in a primary and change their registration back to the independent status on the same day of the primary. The amendment, presently the Secretary of State may appoint two assistant secretaries of state. He would like to have the option of appointing only one assistant secretary of state and one officer supervisor, which is a classified position, which will be a reduction in salaries required for his office. The committee recommends ought to pass.

#### AMENDMENT TO HB 18

Amend the title of the bill by replacing it with the following:

## An Act

authorizing the secretary of state to appoint  
an office supervisor when an assistant  
secretary of state vacancy exists.

Amend the bill by replacing all after the enacting clause with the following:

1 Appointment of Office Supervisor. Amend RSA 5:23 to read as follows:

5:23 Assistant Secretary of State; Office Supervisor.

I. The secretary of state may appoint 2 assistant secretaries of state who shall hold office during good behavior. The salary of an assistant secretary of state shall be set by the secretary of state in accordance with the provisions of RSA 94:1-4. An assistant secretary of state shall be removed only in accordance with RSA 4:1.

II. If there is a vacancy in the office of an assistant secretary of state appointed under paragraph I, the secretary of state may instead appoint an office supervisor in accordance with state personnel rules. The appropriation for the vacant assistant secretary of state position shall be used to fund the position of office supervisor. The office supervisor shall be a classified employee and shall be classified at least labor grade 22. The office supervisor shall perform such duties as may be assigned by the secretary of state.

2 Effective Date. This act shall take effect 60 days after its passage.

Amendment Adopted.

Division vote:

12 Yeas

8 Nays

Ordered to Third Reading.

CACR 2, Relating to the term of governor. Providing that: the term shall be 4 years. Inexpedient to Legislate. Senator Dupont for the Committee.

SENATOR DUPONT: CACR 2 is a question that has been before you many times before. The committee felt very strongly that the present system, while it provides for the candidate having to go out and meet the voters of the State every 2 years, has some drawbacks, but it certainly provides the people of New Hampshire with an op-

portunity to be familiar with their Governor every two years and also his performance is on the line every two years. We felt quite strongly about the fact that, because New Hampshire has a budget that is on a two year cycle and because of concurrent and past conditions in this state, the opportunity to review the performance of the Governor every two years is something that has made New Hampshire the great state it is today. It is basically a question of the ability for the Governor to be accountable for the voters of New Hampshire in a time period that provides for frequent enough review. We urge inexpedient to legislate.

SENATOR CHANDLER: Senator Dupont, have the people of the state ever had the opportunity to vote on this proposal?

SENATOR DUPONT: Senator, they have voted on this proposal a repeated number of times and like annual sessions, it is just a question of getting it out there enough so people get so tired of seeing it, so they will vote for it and it will finally pass.

SENATOR DISNARD: Senator Dupont, is it true that the voters, by an overwhelming vote at the last constitutional convention, approved this but it missed by less than 2% or 2/3rd's vote?

SENATOR DUPONT: Senator, I couldn't tell you the exact numbers.

SENATOR DISNARD: Would you believe the overwhelming citizens of this state approved it. Therefore I don't understand why some of the Senators feel that they did not know what they are doing and shouldn't have another opportunity?

SENATOR DUPONT: Senator, if the good Senator from district 8 is saying that the numbers were such as you mentioned earlier, then I would have to agree with you.

Adopted.

HB 87, Revising the definition of "person" in the statutory construction chapter. Inexpedient to Legislate. Senator Dupont for the Committee.

SENATOR DUPONT: After a careful review and having counsel review this change, it was felt that this did nothing to enhance or clarify the present definition that is in our existing law.

Adopted.

HB 19, Relative to election laws. Ought to Pass with Amendment. Senator Dupont for the Committee.

SENATOR DUPONT: You have before you HB 19. Basically it makes some technical corrections relative to fiscal agents in the State of New Hampshire. As we amended it, it provides for notification to the state, when and if the candidate spends money on their campaign they have to notify the existence of the fiscal agent.

#### AMENDMENT TO HB 19

Amend RSA 664:12 as inserted by section 3 of the bill by replacing it with the following:

664:12 Fiscal Agent. As part of the declaration of candidacies filed by candidates for governor, councilor, state senator and county officer and other primary candidacies, every such candidate shall designate some person, who may be the candidate himself, as his financial agent for the purpose of the primary and general election campaign. If his candidacy for such office is established by a primary petition or nomination petitions, there shall be filed together with such petitions the name of the fiscal agent for such candidate. A candidate who is nominated by write-in vote at the primary shall [assign his fiscal agent with his acceptance of nomination], prior to making any campaign expenditures, file with the secretary of state the name of his fiscal agent. All sums expended or contracted for payment in the primary or general election campaign in behalf of such candidate shall be reported by the candidate or his political committee or both to his fiscal agent, and the candidate or his fiscal agent shall make or approve all disbursements in behalf of his candidate subsequent to his designation as fiscal agent and join with the candidate in making and filing the statements required by this chapter.

Amendment Adopted. Ordered to Third Reading.

HB 623, Relative to the practice of physical therapy. Ought to Pass with Amendment. Senator Delahunty for the Committee.

SENATOR DELAHUNTY: This bill simply changes the present registration system for physical therapists and physical therapy assistants to a licensing system. The amendment allows students through assistants who are either enrolled in an accredited school or a graduate of an accredited school, who has applied for license, to obtain a temporary certificate valid for six months to practice physical therapy under the direction and supervision of a licensed physi-



cal therapist. After considerable study by the Executive Committee, we recommend this bill as ought to pass with amendment.

SENATOR JOHNSON: Senator Delahunty, I was looking in the bill or the amendment there. I understood that there was an amendment offered to the committee that would allow the chiropractors to have physical therapy referred to them. Is that not true?

SENATOR DELAHUNTY: I'm not sure.

### AMENDMENT TO HB 623

Amend RSA 328-A:2 as inserted by section 1 of the bill by replacing it with the following:

328-A:2 Licensure Required. No individual shall practice nor indicate ability to practice or designate himself or allow himself to be designated as a physical therapist or a physical therapist assistant in this state unless he is licensed in accordance with the provisions of this chapter, except that this section shall not be construed to prohibit students who are enrolled in schools or courses in physical therapy or physical therapy assisting accredited by an agency recognized by the United States Department of Education and the Council on Post Secondary Accreditation from performing work incidental to their respective courses of study, under the direct supervision of a licensed physical therapist. Any physical therapist or physical therapist assistant who is a graduate of a school accredited by an agency recognized by the United States Department of Education and the Council on Post-Secondary Accreditation but who has never been licensed in this or any other state, may, with the approval of the board upon receipt of application for licensure, obtain a temporary certificate valid for 6 months from the board to practice physical therapy or physical therapist assisting in this state under the direction and supervision of a licensed physical therapist. Failure to pass the licensure examination shall invalidate a temporary certificate. No more than one temporary certificate shall be issued to any eligible person.

Amend RSA 328-A:8 and 9 as inserted by section 1 of the bill by replacing them with the following:

328-A:8 Revocation and Suspension of License. The board, after hearing, may suspend or revoke the license of any person who has obtained it by fraudulent means, who is mentally or professionally



unfit, who has been convicted of a felony or found guilty of malpractice or gross misconduct in the practice of his profession as such licensee, who has failed to refer patients whose problems are outside the scope of physical therapy practice to the appropriate health care practitioner, or who has violated any of the provisions of this chapter. Reasonable notice of a proceeding to suspend or revoke the license of a licensee shall contain the cause alleged against him and the time and place of hearing.

328-A:9 Summons; Oath. The board shall have the power to subpoena witnesses and administer oaths in any hearing with respect to suspension and revocation of licensure, and to compel, by subpoena duces tecum, the production of papers and records.

Amend RSA 328-A:11 as inserted by section 1 of the bill by replacing it with the following:

328-A:11 Prohibited Practices. A person licensed under this chapter as a physical therapist shall not treat human ailments by physical therapy or otherwise except under the referral or prescription and supervision of a person licensed to practice medicine, dentistry, podiatry, or chiropractic. A person licensed under this chapter as a physical therapist assistant shall not undertake to practice independent of direction and supervision of a licensed physical therapist. Nothing in this chapter shall be construed as authorizing a licensed physical therapist to practice medicine, osteopathy, chiropractic, or any other form or method of healing except physical therapy. The use of roentgen rays and radium for diagnostic and therapeutic purposes, and the use of electricity for surgical purposes, including cauterization, are not authorized under the term "physical therapy" as used in this chapter.

Amendment Adopted. Ordered to Third Reading.

HB 112-FN, Relative to sunset review of the board of chiropractic examiners. Ought to Pass with Amendment. Senator Freese for the Committee.

SENATOR FREESE: This bill, I am disappointed to report, did not have an agreement between the chiropractors. We worked very long and hard to try to get them together and we almost did several times, but we ended up with no agreement. The bill renews the chiropractic examiners for two more years only; it will end in 1989. The bill also makes the board an administratively attached agency to the department of health and human services. I believe that the funding

is not in the bill. Whether or not it will get put in before the end of the session is a moot question. At the moment, that is the report of the committee and we hope you support the committee as it's reported out.

#### Amendment to HB 112-FN

Amend the bill by replacing section 1 with the following:

1 Sunset; The Board of Chiropractic Examiners Renewed. The board of chiropractic examiners, PAU 020604 (formerly PAU 020607), is hereby renewed to comply with RSA 17-G, except that the board shall terminate on July 1, 1989, rather than on July 1, 1993.

Amend the bill by replacing all after section 2 with the following:

3 New Paragraph; Administratively Attached. Amend RSA 316:2 by inserting after paragraph III the following new paragraph:

IV. The board of chiropractic examiners shall be an administratively attached agency, under RSA 21-G:10, to the department of health and human services, division of public health services.

4 Effective Date. This act shall take effect upon its passage.

Amendment Adopted. Ordered to Third Reading.

Recess

Out of Recess

Senator McLane in the Chair.

#### COMMITTEE REPORTS

HB 708, Relative to excess electric generating capacity. Ought to Pass with Amendment. Senator Krasker for the Committee.

SENATOR KRASKER: HB 708 is amended in your calendar, on page 17. If you have the bill before you, the amendment removes everything beyond line 24 on page 2 of the bill. The committee voted to remove this section to make very clear that the only thing this bill does is remove the equity portion of what is excess capacity. You have been given, I hope, a hand-out and as I speak about the bill I will refer to certain pages in the hand-out. HB 708 is one of the most important pieces of legislation to come before this session because it deals with the biggest economic problem facing our generation and

that's the economic impact of Seabrook. HB 708, relative to excess electric generating capacity will help to protect the customers of Public Service from some of the very large rate increases expected when Seabrook begins to produce electricity. I hope you will notice that I said "when Seabrook goes on line". There has been a great deal of misinformation about this bill and, unfortunately, whenever a bill comes up that relates to Seabrook, people immediately think that the purpose of the bill is to stop the plant. That is absolutely untrue in this case. This bill has no effect until Seabrook begins to produce electricity. It is a bill purely and simply to lessen the rate shock on New Hampshire taxpayers. Public Service of New Hampshire, in public statements and in information provided to the PUC, has admitted that rates will double and, in a phase-in, could even triple. There are charts and graphs. If you look at the one on rates, you can see what will happen both with a phase-in and with the inclusion of rates as they are proposing. Seabrook will provide much more power than Public Service of New Hampshire customers can possibly use. This extra electricity is referred to with excess capacity. It is important to understand that excess capacity simply means extra or excess electricity. On page three of the hand-out, I have included Public Service of New Hampshire estimates of excess capacity that were submitted to the PUC for the last financing request including Seabrook of January 1, 1985. It is true that these figures could differ somewhat where two years later, but if you look at the figures right through to 2002, they are still predicting that 94% of their power is going to be excess. Over the next 20 years much of this excess capacity electricity will be sold to other utility companies at a discount rate, a rate much lower than Public Service of New Hampshire customers will be required to pay. To ask the consumers of New Hampshire to pay a rate that will include a margin for stockholder profits for power they will never use is clearly unfair. On the first page, you'll see the components that are included in rate base. When the PUC considers what should go into rate base, there are three factors that they use; 1) our capital cost, 2) operating cost and 3) equity portion, which on this hand-out, is called profit. In the first column all the energy that is going to be used by New Hampshire consumers will include, in rate base; the capital cost, the operating cost and this equity portion. According to HB 708, for energies sold to out of state consumers, Public Service can recover all the capital costs, all the operating cost, the only portion that is going to be withheld are that which is excess capacity, not being used by the people of New Hampshire, is what is paid to stock holders. Under this legislation, Public Service again, could recover all its debt service and all its operating costs, but the stockholders will not pay a

profit on the portion of power that is excess. An excess capacity is Public Service of New Hampshire's power supply that is more than peaked demand, plus the an equal capability, responsibility requirement, which now is about 15% to 16%. Why do we want to do this? Why would we, supposedly, do this to stockholders? Because the situation is so extreme that it is appropriate for the legislature to mandate some sharing of this tremendous burden with the company's stockholders. The amount that is going to be added into rate base is so large we simply cannot pass it all on to consumers. We are talking about two billion dollars, an almost incomprehensible amount. If this legislation passes, the customers will not be required to pay a profit on that power which is excess. That is all HB 708 does. It is not punitive against public service. Public service has indicated that itself would consider removing twice the amount from rate base, because with everything in rate base, it will simply not be competitive. If you will look at the second page of the hand-out, you will see that the break down of what is going to be required for Seabrook, and these are Public Service figures, annually will be operating costs of \$100,000,000 million, that of \$220,000,000, that's money borrowed plus interest. The equity portion is \$210,000,000 annually to the stock holders. Because this bill will withhold whatever is excess, and if you look at one of the sheets and you will see the percentage of excess, if you figure that for the first years of Seabrook, 94% is excess capacity. That will withhold from the equity portion just under \$2,000,000, and this is the savings to the rate payer. I'm never sure if it wise to say the words broad base tax, but I remember being in the House when Everret Sacket's broad based tax came up on the floor and the figure that it would have raised was \$120,000,000. What this bill will remove from rate base, what it will save rate payers, is double that tax. That is what we want to save New Hampshire rate payers. Remember, that this \$200,000,000 is not to support New Hampshire services. It only provides profits to stockholders. The excess capacity exclusion is a flexible standard, it's adjustable to economic conditions, it establishes a limit that's dependent on the final cost of the plant and how much energy is sold. It leaves the matter of prudence entirely to the PUC. This bill protects the rate payers; they won't be subsidizing out-of-state users. The excess capacity approach is a legal and recognized approach. It's based on the used and useful formula which we ourselves legislated. In their decision on the Seabrook financing appeal, in commenting on the decent of Commissioner Aeschliman, the Supreme Court recognized this as an appropriate standard to look at. Iowa, Kansas and Pennsylvania have used this approach very successfully when the cost of construction of plants became so high that rates would have

been exorbitant on rate payers. That is what the people of New Hampshire will be paying out in rates during the life of this plant, two billion dollars. I think our responsibility is to those rate payers not to the stockholders. We owe it to the people we represent to make this awesome burden a little easier.

SENATOR BOND: Senator Krasker, in the early 1970's when power consumption was on a steady upward growth, the Public Service Company of New Hampshire planned a plant which, in retrospect, over provided capacity. However, in 1978 because of the oil prices, the Leaper Act was passed in which we mandated that they buy the production of small power producers, whether they needed it or not. Should it not been the, at least the 81 projects producing generally about 100 megawatts now and in the early 1990's is projected about 200 megawatts, should that not be credited to their excess capacity account? Should they be held responsible for 388 megawatts as excess, if, in fact, the legislature has mandated the excess ability requiring them to buy from the small power producers?

SENATOR KRASKER: It is my understanding that that has been included in the bill. That the small power producers are not covered by this bill.

SENATOR DUPONT: Senator Krasker, what I don't understand is, if we say Seabrook is an excess capacity, but it is constructed and built at this point and time, why would we allow small power producers to continue to build plants in the State of New Hampshire?

SENATOR KRASKER: That determination is going to be made by the PUC. It is outside the purview of this bill. The PUC is the one who gives permission for the small power producers and their contracts.

SENATOR DUPONT: But Senator, isn't it true, we have to buy the power from the small plants. There's no two ways about it?

SENATOR KRASKER: Well, it's not a simple yes or no answer. At the present time it is not economically feasible for the small power producers to enter into long term contracts because there is so much excess capacity.

SENATOR DUPONT: So, why don't we just put a moratorium on the small power producers in this bill?

SENATOR KRASKER: Because that isn't the purpose of this bill, Senator Dupont, as you know.



SENATOR DUPONT: I rise in opposition to HB 708 and the amendment that has been introduced by the committee. I think we have to be upfront whenever a bill comes into this chamber that deals with, first off, the issue of what Seabrook power is going to cost. The bill makes an assumption that, in fact, the PUC is going to allow the introduction into the rate base of the total cost of the power from the plant. I stood up before on this floor and I've cautioned the members of this Senate who have expressed their concerns about the cost of power from Seabrook and I am a concerned person when it comes to the cost of Seabrook, just like everyone else in this room is. You can't pass legislation that supposedly uses an answer that we haven't received yet to justify the existence of the bill. It doesn't add up, Senators, and I urge you to take that into consideration in your deliberations. You have to know what the PUC is going to allow into the rate base before you can pass legislation that is supposedly going to benefit the consumers. If, in fact, the PUC does the job that it's suppose to do, this bill is not necessary and I would urge the sponsors to give the PUC the benefit of the doubt and allow them to do their job as this legislature has asked them to do by the statutes that it has passed. This bill assumes that the rate base will include the full cost of Seabrook. It does make Seabrook a less economically viable project and if Senator Krasker said it didn't, I would have to differ on that. It also exempts the small power producers in this state. I want to bring a number to you and this is a number that is based in fact. The small power producers that have supposedly benefited the State of New Hampshire, and even though we don't want to consider the fact that they are part of the reason why there is excessive capacity today, or in most recent information, Public Service of New Hampshire's cost for power, all the power that it buys including power that's from outside of the State of New Hampshire, that excludes the small power producers, was under \$.04¢ per kilowatt hour. The cost for that power that is so valuable, supposedly, to us that is produced by the small power producers is close to .10¢ per kilowatt hour. What we are saying on one hand is build more small power plants, but we don't care about the cost for that, but take the excess capacity from Seabrook and don't allow the company, and, Senators, you know when you talk about stockholders what you are talking about is investors. I'm sure there is probably not a person in this room that doesn't invest their money in a stock at one time or another. You are giving the company money to operate and you expect a return on that investment. If you take that investment return away from the stockholders of any company, there is no reason to invest. Whether you like it or not, the cost of borrowing money from the stockholders is typically done by a public offering because it is



cheaper than borrowing money from a bank. I ask you to consider that when you vote on this bill. I'm sympathetic to the concerns about Seabrook, but what I am not sympathetic to is the fact that this bill really is to the detriment of the State of New Hampshire. As we sit here today and deliberate where New Hampshire is going in terms of growth, where our power is going to come from in the future and it really, really undermines our ability for any utility that is going to provide power to the State of New Hampshire, have the ability to project into the future. If I was a person that was offering a utility in the State of New Hampshire, I would get out of the business if this bill passes, because it doesn't allow me to make a prudent judgement call on where we are going to be ten or fifteen years down the road. Let's take a look at it again and, first off, it assumes that the PUC is going into the rate base the full cost of Seabrook and we all know that's not true. Secondly, it takes away from anyone, whether it be Public Service or another utility, the ability to plan for the future, which we stand in this chamber and we talk all the time about where New Hampshire is going to be 20 years from now. Lastly, the most important issue, if other utilities and other states treated us like we want to treat them under this bill, we wouldn't be buying power from HydroQuebec, which in fact is excess power that is excess to the HydroQuebec system. You can't have your cake and eat it too, and I urge the Senate to vote against this bill. I've indicated to Senator Krasker on another issue that I am willing to sit down and work with her on that particular issue, and it is one that she feels very strongly about, and it is one that we debated and I was on the opposite side, again. But I can't sit here today or stand here and advise the Senate strongly enough that this piece of legislation is not in the best interest of the State of New Hampshire, and urge you to vote down the amendment and vote down the bill.

SENATOR PRESSLY: Senator Dupont, would you believe that there was a spokesman from Public Service, who spoke before the Public Affairs Committee this session, and opposed legislation that would phase-in the rates. The reason that they opposed it was because that would triple the rates instead of doubling the rates which is what they are expecting?

SENATOR DUPONT: Senator, I would answer that question by saying PUC sets the rates, not Public Service. If there is any doubt in my mind that when the PUC gets through with its deliberations, that the consumers of the State have not been treated fairly, then I will be the one that will be introducing legislation to correct our wrong.

SENATOR PRESSLY: I would like to know if you have prepared a response, should it happen that the rates double, have you thought or prepared a response to give to your constituents who call and the elderly people of fixed income when their rates are doubled?

SENATOR DUPONT: Senator, my previous question answers that, as I indicated earlier, the assumption of what the PUC is going to do is what this bill has in it. The PUC is not active. They have a consultant that has been an investment of over \$1,000,000 to determine what is prudent with that plan and what is not prudent. What I am saying to you today is you don't have that information. I have heard many times in this chamber that when we make a decision here, we need all the information and the information as to what is going to be in the rate base is in this bill and it's incorrect.

SENATOR STEPHEN: Senator Dupont, with this bill, are we hurting consumers from further electricity?

SENATOR DUPONT: Senator, what we are doing with this bill is, if we do not allow our utilities to plan for the future growth for the State of New Hampshire, then at such time as we need that power for our future growth, we are going to be forced to go outside of the State at whatever the most expensive cost is and buy power plants. So from that point of view, it is going to hurt the consumers from the State of New Hampshire.

SENATOR FREESE: As a member of the committee that heard this bill, I was one member that voted no on the bill itself and voted no on the amendment. I did not file a minority report because I felt if need be, that I could exercise my democratic right and speak my convictions on the floor of the Senate. I am not going to belabor the point, but I hope you will vote no on the committee report. I would like to echo Senator Dupont's remarks. I think they are very appropriate. We had people that were there that testified that the bill was not well written, that it does not do what the sponsors intended the bill to do. It does much more and is very damaging. I believe the bill is very punitive. It would destroy future planning for any electric public utility in this state. When we build schools, when we build businesses, we have to build them for a few years into the future. That extra money that we put into those buildings and those businesses has to be absorbed within the product that we produce and still make it competitive. We have a Public Utilities Commission and we have a Consumer Advocate that should be able to take care and protect the consumer and I believe they can and I believe they will. I hope you will vote no on this very punitive legislation.

SENATOR JOHNSON: I sat in on the committee hearing a day or two ago and listening to the testimony at the hearing and listening to the testimony on the bill at this moment, I don't think that either side of this issue has made their case. I certainly have a number of concerns about this bill. If anybody is going to be punished on this, I would think it should be those bond holders who are getting 20 and 21% interest on the bonds now, rather than the stockholders, who made an investment in good faith. I don't think the case have been made and, frankly, I would like to see this issue re-referred to the committee for further study. I agree with Senator Dupont that there is a number of loose ends on this issue. By the way, the consumer advocate of the PUC did, indeed, testify on this bill and testified in favor of this bill and went on to say that he didn't even think it went far enough. That is his position. But be that as it may, I think there is enough questions there that this body should to give more time than the two hours that were given to a public hearing on Tuesday morning and the relatively brief time that we are giving it today on such a major issue of great public significance. My feeling would be that we should to find a way to re-refer this to the committee.

SENATOR PRESTON: I just want to respond to comments that were made and respectively disagree with a couple of them. This bill actually assumes that Seabrook would be going on line. I think as Senators and your constituency, it may be the vote that has the biggest effect in every constituent in the state, every small or large business and every elderly person. Frankly, it doesn't include Concord or Exeter or the Hampton area where I live, so I wouldn't be involved in these particular rates. We are not served by the company that has been discussed here, so the bill, for the record I make it very clear, has nothing to oppose Seabrook going on line. In fact, it assumes if it goes on line. It takes an action in anticipation of a problem that could occur. Without it in effect, we would be doing something that New Hampshire people really don't like to do, subsidizing out-of-state uses of this excess capacity that the rate payers of New Hampshire wouldn't be using. I think we have got an obligation to support this bill and I ask you to envision a variety store operator that I talked to, that had fears of rates doubling. As Senator Dupont says, they may not, but in the figures projected by the PUC indicates that could occur. If this variety store paid \$990 dollars last month for his eletricity and the rates did double, is he going to pay almost \$2,000 dollars a month? I think that is the kind of person that we have to look out to. The average person you represent, if you walk the streets of Manchester or Pittsfield, doesn't own stocks in the Public Service Company and if he owns bonds, he is going to get

his interest. If it is a bank that's loaned money to Public Service, that pays the interest, it pays the cost of the plant, it pays the capital cost, it pays all the salaries and all the operating costs, but what it doesn't do is assure profit on electricity New Hampshire consumers don't use. I think that is the least that we could do, on behalf of our constituents. As I indicated to you, this isn't self-serving to me. The Exeter Hampton electric company pulled out of their contracts with Public Service. And mind you, the rates that we are talking don't even include the decommissioning cost that we as the Senate Committee are addressing now, that could be split over 200 and something thousand customers that they say could be hundreds of millions or a billion dollars. It's mind boggling for me to be even mentioning figures like this. In fact, as one Senator said, we could be undermining the growth, if we vote for this bill. That is not true. Without doing this we could be undermining the growth in the State of New Hampshire because some of the biggest fears that have been expressed by the BIA in New Hampshire is that if we end up with the highest electric rates in the United States of America, that we might not enjoy that growth by intensive energy users that we now have in the fringes and borders, be it the Sanders or Anheuser Busch or these other companies. That is one of the biggest concerns that they express in a recent survey of businesses within the State of New Hampshire. All due respect to the majority leader, and I think that the debates are healthy, I don't think we should wait as we often do to react to a problem when it occurs, if the rates doubled or went up 90%. I think that we, in advance, should anticipate a problem if it occurs, pass this piece of legislation and if it doesn't occur we've imposed no harm on anyone. We are acting in advance to defend the very people we propose to represent. Interestingly enough, Michael Holmes from the Public Utilities Commission and the Consumer Advocate thought the bill was far too generous, in what we were allowing to be paid and the sponsors of the bill wanted to be fair to protect people just for the out-of-state excess costs and willing to pay all the other costs in the bill. The PUC, in 1978, decided that the plant was useful. The legislature, at that time, passed legislation known as CWIP, to protect the constituents. We legislators sitting here today in the chamber, because the House has passed the bill, are the last lines of defense for the rate payer. So, this bill is too good to Public Service Company, but it came through the House and it's addressing the real cost of a business to pay all operating, all capital costs, but not what we ship out to Connecticut or Massachusetts or anywhere else. Another problem was mentioned as comparing small power producers with the cost of Public Service that were mentioned. That is like comparing apples and oranges, because



within those rates the small power producers includes the debt, the construction, the profit, the operating cost and everything, and the figures mentioned didn't. I urge you not to listen to the concerns of the cost of small power operators because no more are really anticipated, as I understand it. There is a moratorium for the time on those. But let's cut through the smoke. We're not affecting anyone at this time. We are just saying if it occurs, let's protect the 96 year old lady in Manchester from paying a rate now that she will never use and let's protect the small businessman. Senator Stephens bill for electric heat is \$500 a month, should he pay \$1,000 a month because of some excess for the capacity of 90% going into Massachusetts, I don't think so.

SENATOR DUPONT: Senator Preston, wouldn't you say that if the consumers of the State of New Hampshire paid \$16 million dollars more for power last year from small power producers than they would have if Public Service had not been required to buy that power, then that should be a concern of yours?

SENATOR PRESTON: Yes, but Senator, you bring those up as the bogey man. That's such a miniscule part of the entire problem that you are talking. We are talking billions of dollars to consumers. I hear that come up and come forward and when the costs are quoted, they don't include all the costs within these small power problem of the Kilowatt hours.

SENATOR DUPONT: I have the numbers on that, Senator. I'd be glad to share it with you. It's a significant portion of the total power users in the State of New Hampshire now. My other question would be, what we are basically saying with this bill is if it applied to an apartment house and it was an eight unit house, you could make profit on six of the units, but on the other two units, if you couldn't rent them right off and you didn't have a need for them, you would have to just let somebody stay there for nothing. Isn't that basically what you are saying?

SENATOR PRESTON: No, in retrospect, Senator. I would like to use the example and I hate to pick on Senator Stephen. It would be like Senator Stephen having a one floor restaurant now, but adding six floors on and putting the price of those six floors that he's are not going to use in there, to serve those customers. He'd go out of business because you can't impose that cost. He's charging people in the restaurant for the cost of operation for that area, and the food they're using. If other people go upstairs and pay rent directly, he is not imposing in those customers.

SENATOR DUPONT: If we just assume that in the scheme of things, New Hampshire continues to grow and in the year 1996 that power is needed, how are you going to then treat the company that developed the power? Are you going to say now; great, you did a good job, we will pay you back all the money for what you didn't make on that sale in 1989.

SENATOR PRESTON: If it is needed, and the excess capacity is 90% and we start to use 50% of the capacity of that plant, we pay the profit on it. That's exactly the reason I have been trying to convey that you just cleared up for me.

SENATOR DUPONT: Senator you still haven't indicated to me how you are going to treat them in the interim, to make them hold for what they have lost during the period of time. You want the benefit of the plant when we need it, but you don't want the benefit of the plant, at this point and time, and you can't have it both ways.

SENATOR PRESTON: That is my example. I don't think we should pay for those five other floors. I don't think that is our responsibility. We don't have a moral obligation to guarantee that profit for the excess they are selling elsewhere at a discounted rate, Senator. I can't substantiate that before my constituents.

SENATOR DUPONT: Then would it be fair to say that all of the power that we are now importing into the State of New Hampshire, we should ask the other states to treat us the same way we want to treat Public Service under this scenario?

SENATOR PRESTON: If they want to sell discounted power to Public Service and Public Service wants to make a profit on the power they buy from out-of-state, Senator, we are doing that now. We are willing to do it.

SENATOR DUPONT: Even if it meant a tremendous increase in the cost of power to the people of the State of New Hampshire?

SENATOR PRESTON: We are talking about keeping the cost of power down in New Hampshire to encourage the economic growth and development we have experienced and if you don't vote for this bill, you may be allowing higher costs.

Roll Call was requested by Senator Preston.  
Seconded by Senator Bartlett.



Those in favor: Senators Bond, Heath, Disnard, Roberge, Blaisdell, Pressly, Nelson, St. Jean, Preston and Krasker.

Those opposed: Bond, Freese, Hough, Dupont, Chandler, White, Poldes, Johnson, Stephen, Bartlett, Torr and Delahunty.

10 Yeas

12 Nays

Amendment Failed.

Senator Dupont moved to re-refer to committee.

SENATOR HOUNSELL: I stand in support of re-refer and I thank the people who spoke on the prevailing side for the need to continue this issue. I think re-referral allows us to continue with this issue in a responsible manner. So, I stand in support of re-referral.

Adopted.

Senator White wished to be recorded as opposed.

HB 568-FN, Prohibiting the transportation, production, burial and storage of high-level radioactive material in the state of New Hampshire. Ought to Pass. Senator Preston for the Committee.

SENATOR HOUNSELL: I make a motion of inexpedient to legislate for one half of the committee. I thank Senator Preston for allowing me to start with the lower motion, so that I can speak to that because it would be out of order if I was to make it after the other side. Since it is a split report, I think it is important that I have a chance to speak, so I thank you Senator Preston. This is indeed a split report and half of the committee that endorses inexpedient to legislate felt that the bill was a harassment to Seabrook, that it was unconstitutional, many flaws. Unlike HB 708, we didn't see any real need for it and we do urge your support for inexpedient.

SENATOR PRESTON: I move ought to pass on behalf of the committee and I'll be very brief. This bill exempts Seabrook, so that's a nonplus. It totally exempts Seabrook and, gratefully, it says this bill points out that the 1982 Nuclear Waste Policy Act isn't up to snuff. We do not know how to handle it and until we do, the State shouldn't be forced to handle it at risk to the citizens or others. There were concerns for a nuclear waste dump in other parts of the State. This just addresses that. It doesn't effect Seabrook at all. So, you should have no problem voting for this one.

SENATOR HOUNSELL: Senator Preston, one of the things that the bill does do is it eliminates a committee that was established to keep track of high level waste and such that we did last session. It was a very important issue last year. Another thing, it eliminates CORDS involvement, our State agency CORDS involvement. Could you somehow reconcile the wisdom of those eliminations as this bill spells out?

SENATOR PRESTON: No, but Senator, I can't reconcile those and I'm not going to debate that. But it does provide the working with other states and the congress on these issue related to high-level radioactive waste, not that relating to hospitals or others that was brought up before; high-level radioactive waste. There is a state committee working in conjunction with other states on the bill and it doesn't have any negative impact on the fears that have been expressed on the previous bill heard.

SENATOR JOHNSON: Senator Preston, if this bill excludes the high-level radioactive waste from Seabrook, then what is it that you are trying to protect against?

SENATOR PRESTON: Senator Johnson, if you recall the waste dump that was considered by the department of energy and the people in the Hillsboro area were up in arms about not wanting us considered. As I understand it, Senator, that's what it addresses. I hate to bring Seabrook into every bill because every bill that mentions high-level radioactive waste mentions Seabrook, but they will have the permission to store temporarily, which I understand is, thirty or forty years on site. This is aimed at not having the department of energy or the Feds impose, from other states, high-level radioactivity. That's my understanding.

SENATOR DISNARD: Senator Preston, I have a problem and I hope you can help me out. New Hampshire doesn't want high level nuclear waste from other states. I am assuming the other states don't want New Hampshire's high level waste. What will we then do with it?

SENATOR PRESTON: As I understand the analysis of this bill, Senator, I don't think anyone can answer your question and no one wants anyone else's garbage, so that you are correct. But this bill says that if the Feds don't know how to handle it right now and we don't know how to handle it, we shouldn't be forced to handle it at risk to our citizens. That is all it says. We are not imposing any of our junk on anyone else, but we are just reacting to protect ourselves.

SENATOR DISNARD: What would you suggest we do if Seabrook goes on line without high-level waste?

SENATOR PRESTON: It excludes Seabrook, its very clear. It says that this does not apply to nuclear generating facilities constructed prior to January 1, 1987. It exempts Seabrook.

SENATOR DUPONT: I hate to, twice in one day, rise in opposition to the distinguished minority leader from the seacoast area. But there are just a couple of points I would like to make and perhaps someone can answer these questions in a speech later on. First off, being from an area that employs a significant number of people at the Portsmouth shipyard, which presently transport high level nuclear waste through the State of New Hampshire to a burial site outside of New England, I believe that if this bill passes that that will no longer be able to take place so it becomes a question of the national defense, which I don't find addressed anywhere in this bill. Secondly, I question the issue about Seabrook being exempt because I am sure, as it has happened in the past it will happen again, the issue of constructed prior to January 1, 1987. I would probably be willing to take that case as an attorney on the opposing side to debate whether or not Seabrook was, in fact, completed as of January 1, 1987. Lastly, we all stand here and sit here concerned about what we are going to do with higher level nuclear waste and the issue does not address research. If we were fortunate enough to have someone in the State of New Hampshire that could possibly come up with a safe solution to the problem of higher level nuclear waste, this bill does nothing to exempt research in that area from the provisions of this act. So, it is fatally flawed and I hate to pick on the good Representative from Rockingham, District #14, but the name should be familiar to all of us, as to his stand on the Seabrook Nuclear Power Plant. I am not saying that he has that in the back of his mind when he introduced this bill, but it certainly raises suspicion in my mind.

SENATOR PRESTON: Senator Dupont knows, as the majority leader, when you got the votes you got the votes, so you can say anything you want, Senator. It won't make any difference. But I would like to say that you know when you look at a piece of legislation and you may not like the particular guy or gal that does it. I would hope that we wouldn't base our judgements on the name of the bill, but we should look at the body because many people have looked at it. This bill came through the House and well intended people in the House sent it to the Senate. I think we should deliberate on it.

SENATOR DUPONT: I apologize, my remarks were not intended in any way to effect or remark on the character of Representative Cushing. I just felt that the issue of trying to be separated away from the Seabrook issue was one that needed mention. But I would like to the record to reflect that I think of the gentleman in highest regard and I understand that he has worked very hard on this issue.

SENATOR HOUNSELL: I wish to state a little bit about what the bill does and what it doesn't do. First of all, I don't believe that this bill is as necessary. In 1986 we had a very important bill, I think, that was passed and is chapter 125:G. The first thing this bill does is it repeals that. If you look through it and you find out what it further repeals; it repeals the involvement of the office of state planning. As you recall, when they were going to consider a siting of a waste facility in New Hampshire, David Scott from the office of state planning was very helpful for us to put our position before the Federal Government, before the people in New Hampshire and to coordinate the effort. Next, it also repeals the nuclear waste policy advisory committee. I don't understand the wisdom of repealing that. I don't understand why we would want to stop the involvement of an advisory committee that was set up just a year ago. I don't think it has really served out its responsibility or the hope that we established just twelve months ago. It takes away the nuclear waste technical review council. It does a lot of things, other than just merely speak to what we have heard today. It changes drastically, what we have in place if we want to do what the policy that is established by law and that we currently have. It does a lot to take away from that. I'm just going to read the existing statement of policy. The Legislature opposed this siting of a high-level radioactive waste facility in the State of New Hampshire and it finds the northeast as an unsafe and a hydrogeological and geologically inappropriate area. It goes on to talk about some things that we found out just a year ago. I don't think it's necessary at all to change this, at this time. I strongly urge this body to vote no on the motion before you and to vote for this bill to be inexpedient.

Committee Report failed.

Senator Hounsell moved to substitute Inexpedient to Legislate.

Adopted.

Recess

Out of Recess

Senator Bartlett in the Chair.

### SUSPENSION OF RULES

Senator Blaisdell moved that the rules of the Senate be suspended to dispense with a proper notice of a hearing on HB 10-FN-A.

Adopted.

HB 10-FN-A, Relative to state employee salaries & judicial salaries and making an appropriation therefor. Ought to Pass with Amendment. Senator Blaisdell for the Committee.

SENATOR BLAISDELL: HB 10 provides the funding for the contract that has been negotiated with the state employees association. In the last biennium, and again this biennium, the Governor and the state employees have reached terms on a contract settlement. You know that settlement that they have settled on was 3%, 3% and 3%. The amendments of the bill provide that the same salary adjustment for employees of the judicial system and returns the unclassified salary increases to 4% each fiscal year. This is the way it came out of the House. I ask your consent.

SENATOR STEPHEN: Senator Blaisdell, this was approved originally by the Rules Committee?

SENATOR BLAISDELL: That's exactly right, Senator. This is the original bill, approved by the Rules Committee and, of course, I noticed that you talked yesterday about whether or not this gave the adjustment to the employees of the Judicial system. It does. It's in the bill and I hope you support it.

### AMENDMENT TO HB 10-FN-A

Amend the bill by replacing all after section 4 with the following:

5 Unclassified Salaries; June 3, 1988. RSA 94:1-a, I and II are repealed and reenacted to read as follows:

I. The salary ranges for the positions set forth in the following groups shall be as follows commencing on June 3, 1988:

Group I \$20,415 - \$30,603

Executive director, real estate commission

Director, veterans' council

Group J \$23,806 - \$34,000

Deputy director - state committee on aging



Assistant secretary of state

Executive assistant, adult parole board

State archivist

Assistant to the commissioner of the department of resources and economic development

Criminal justice investigators

Consumer protection investigators

Group K \$27,193 - \$37,408

Assistant state treasurer

Director, state committee on aging

Assistant to the director of motor vehicles

State fire marshal

Director of administration, department of corrections

Director, police standards and training council

Education and training officer

Senior industrial agents

Deputy labor commissioner

Administrative assistant to chief justice of superior court

Executive director, governor's commission for the handicapped

Director, division of the arts

Director, division of historical resources

Group L \$30,607 - \$40,801

Assistant insurance commissioner

Coordinator of highway safety

State veterinarian

Board of tax and land appeals, members

Coordinator of judicial and public education and information

Field audit team leader (6)

Director of safety services

Director, port authority

Executive director, postsecondary education commission

Executive secretary, district and municipal courts administrative services

Unit director (non-medical), New Hampshire hospital

Unit director (non-medical), secure psychiatric unit

Group M \$34,003 - \$44,197

Superintendent, Glencliff home

Commandant, veterans' home

Assistant attorneys-general

Director, office of alcohol and drug abuse prevention

Executive secretary, N.H. retirement system

Counsel, department of employment security

Counsel, public utilities commission

Director of aeronautics



Audit team leader

Group N \$37,410 - \$47,604

Assistant superintendent for administration and support, Laconia state school

Assistant superintendent, New Hampshire hospital

Assistant safety commissioner

Director of adult services/warden, department of corrections

Commissioner of agriculture

Labor commissioner

Deputy secretary of state

Deputy treasurers

Deputy insurance commissioner

Director, division of elderly and adult services, department of health and human services

Director, division of air resources

Director, division of waste management

Director, motor vehicles

Director, state police

Executive director, fish and game

Director, economic development

Director, forests and lands

Director, parks and recreation

Director, field services

Director of libraries

Assistant director, audit division

General counsel, department of employment security

Deputy bank commissioner

Manager of employee relations

Senior operational analyst

Financial data manager

Internal auditor

Deputy commissioner of vocational-technical education

President of the technical institute

Presidents of the technical colleges

Group O \$39,111 - \$50,159

Adjutant general

Commissioner, libraries, arts and historical resources

Director, insurance examination

Director, audit division, revenue administration

Director, returns processing, revenue administration

Senior assistant attorney-general

Deputy safety commissioner

Deputy commissioner of education

State treasurer

Secretary of state  
Bank commissioner  
Liquor commissioners  
Director of human services  
Director, division for children and youth services  
Executive director, sweepstakes commission  
Budget officer  
Director, division of accounting services  
Director, division of plant and property management  
Director, division of water resources  
Deputy commissioner of health and human services  
Group P \$44,200 - \$56,946  
Associate attorney general  
Commissioner, corrections  
Commissioner, department of employment security  
Commissioner of vocational-technical education  
Liquor commission, chairman  
Director, personnel  
Director, division of information services  
Director, division water supply and pollution control  
Assistant commissioner, revenue administration  
Director of administration, department of transportation  
Director of operations, department of transportation  
Director of public works, department of transportation  
Group Q \$45,910 - \$58,662  
Superintendent, Laconia state school  
Superintendent, New Hampshire hospital  
Senior physician/psychiatrist/dentist  
Psychiatrist, secure psychiatric unit  
Director of administrative services, supreme court  
Clerk and court reporter, supreme court  
Deputy attorney general  
Director of project development, department of transportation  
Group R \$47,608 - \$60,360  
Assistant commissioner, department of environmental services  
Unit director (medical), New Hampshire hospital  
Unit director (medical) secure psychiatric unit  
Group S \$49,306 - \$62,058  
Commissioner, department of environmental services  
Director, mental health and developmental services  
Director, public health services  
Assistant superintendent for professional services, Laconia state school

Assistant superintendent for professional services, New Hampshire hospital

Assistant commissioner of transportation

Group T \$63,750

Public utilities commissioners

Attorney general

Insurance commissioner

Commissioner, department of transportation

Commissioner, health and human services

Commissioner, education

Commissioner, revenue administration

Commissioner, resources and economic development

Safety commissioner

Commissioner, department of administrative services

Group U \$65,462

Chief medical examiner

Group V \$68,001

Group W \$71,412

Governor

II. The salary wages for the positions set forth below shall be as follows commencing June 3, 1988:

	<i>Minimum</i>	<i>Maximum</i>
Governor's councilors		\$ 8,498
Pari-mutuel commissioners		\$ 6,444
Sweepstakes commission, chairman		\$ 9,670
Sweepstakes commission, members		\$ 5,157
Director, charitable trusts	\$11,804	\$15,725

6 Classified Increases; September 11, 1987. Amend RSA 99:3 to read as follows:

99:3 Increase in Salary. Classified employees of the state as of [March 13] September 11, 1987, shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and their salaries shall be in accordance with the salary scales set forth in RSA 99:1-a. The provisions hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

7 Classified Increases; June 3, 1988. Amend RSA 99:3 to read as follows:

99:3 Increase in Salary. Classified employees of the state as of [September 11, 1987] June 3, 1988, shall be placed in the correspond-

ing steps in the new salary ranges as their length of service justifies and their salaries shall be in accordance with the salary scales set forth in RSA 99:1-a. The provisions hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

8 Classified Increases; December 16, 1988. Amend RSA 99:3 to read as follows:

99:3 Increase in Salary. Classified employees of the state as of [June 3] December 16, 1988, shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and their salaries shall be in accordance with the salary scales set forth in RSA 99:1-a. The provisions hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

9 Judicial Salaries; September 11, 1987. RSA 491-A:1 is repealed and reenacted to read as follows:

491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

Chief justice, supreme court	\$68,640
Associate justices, supreme court	\$66,079
Chief justice, superior court	\$66,079
Associate justices, superior court	\$64,350
District court justices prohibited from practice pursuant to RSA 502-A:21	\$64,350
Probate judges	\$19,675

10 Judicial Salaries; June 3, 1988. RSA 491-A:1 is repealed and reenacted to read as follows:

491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

Chief justice, supreme court	\$70,699
Associate justices, supreme court	\$68,061
Chief justice, superior court	\$68,061
Associate justices, superior court	\$66,281
District court justices prohibited from practice pursuant to RSA 502-A:21	\$66,281
Probate judges	\$20,265

11 Judicial Salaries; December 16, 1988. RSA 491-A:1 is repealed and reenacted to read as follows:

491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

Chief justice, supreme court	\$72,820
Associate justices, supreme court	\$70,103
Chief justice, superior court	\$70,103
Associate justices, superior court	\$68,269
District court justices prohibited from practice pursuant to RSA 502-A:21	\$68,269
Probate judges	\$20,873

12 Judicial Employees. All judicial employees shall receive 3 percent salary increases on September 11, 1987; June 3, 1988; and December 16, 1988.

13 Joint Legislative Employees. All joint legislative employees shall receive a 4 percent salary increase on June 5, 1987, and a 4 percent salary increase on June 3, 1988, if their salaries are not based on the salary table in RSA 99:1-a. Joint legislative employees whose salaries are based on the salary table in RSA 99:1-a shall receive the increases reflected in RSA 99:1-a.

14 Appropriation for Salary Increase. The sums of \$16,871,033 in general funds, \$5,468,091 in highway funds, \$316,209 in fish and game funds, \$3,964,174 in federal funds, and \$1,352,241 in self-sustaining funds are hereby appropriated in addition to any other sums appropriated for the fiscal years ending June 30, 1988, and June 30, 1989, for salary increases for classified, unclassified, judicial, non-classified, and joint legislative employees. The governor is authorized to draw his warrant for said sums out of the appropriate funds.

#### 15 Effective Date.

I. Sections 1, 6, and 9 of this act shall take effect September 11, 1987.

II. Sections 2, 5, 7, and 10 of this act shall take effect June 3, 1988.

III. Sections 3, 8, and 11 of this act shall take effect December 16, 1988.

IV. Section 4 of this act shall take effect June 5, 1987.

V. Sections 12, 13, and 14 of this act shall take effect July 1, 1987.  
Amendment Adopted. Ordered to Third Reading.

Senator Roberge wished to be recorded as taking Rule 42.

HB 571-FN, Relative to the certification and financial management of life care facilities. Ought to Pass with Amendment. Senator Delahunty for the Committee.

Senator Delahunty moved to re-refer to committee.

Adopted.

HB 700-FN, Permitting Group II members who reach age 65 to make an election for retirement benefits. Ought to Pass. Senator Dupont for the Committee.

SENATOR DUPONT: This bill specifically addresses a problem that was created at the state prison, when some employees that had been prior members of the group I system were transferred over to group II. Basically, what this addresses is a problem that was created by some members that were of such an age that they would not be able to fulfill the requirements of group II in order to be eligible to retire.

Adopted. Ordered to Third Reading.

HB 103-FN, Relative to sunset review of the office of legislative services - administrative procedures division and amending the administrative procedures act. Ought to Pass. Senator St. Jean for the Committee.

SENATOR ST. JEAN: HB 103-FN extends for a period of six years, the office of legislative services and the administrative procedures division.

Adopted. Ordered to Third Reading.

HB 136-FN, Relative to sunset review of public utilities commission - gas pipeline carriers. Ought to Pass. Senator Dupont for the Committee.

SENATOR DUPONT: This is just a sunset bill to reestablish the gas pipeline carrier division of the PUC, so we urge your passage.

Adopted. Ordered to Third Reading.

HB 406, Relative to the priority of unpaid employee wages in insolvency proceedings. Inexpedient to Legislate. Senator St. Jean for the Committee.

SENATOR ST. JEAN: HB 406 we find to be inexpedient to legislate because it is covered by the current federal bankruptcy laws.

Adopted.



HB 195, Prohibiting the taking of private property by eminent domain for the siting of a nuclear power plant or a low-level radioactive waste disposal facility. Inexpedient to Legislate. Senator Dupont for the Committee.

SENATOR DUPONT: HB 195, basically, is a bill that has some serious flaws in it. It doesn't recognize our responsibilities to determine an acceptable facility for low-level radioactive waste and the committee felt that it was without merit.

Adopted.

HB 465, Relative to the protection of employees who report violations of law or refuse to execute illegal directives. Ought to Pass. Senator St. Jean for the Committee.

SENATOR ST. JEAN: This is the so called whistle blower statute, which prohibits an employer to retaliate against an employee, who, in good faith, reports a violation of law by a fellow worker. It was supported by Vance Kelly, the labor commissioner, the BIA, Greg Howard, at the sub New Hampshire business industry association and the AFLCIO. We felt it was a good, much needed piece of legislation.

Adopted. Ordered to Third Reading.

HB 470, Establishing a department of commerce and establishing an international trade study committee. Inexpedient to Legislate. Senator St. Jean for the Committee.

SENATOR ST. JEAN: This is a reorganization bill that we felt was inexpedient to legislate at this point as we have other reorganization bills we feel the same way.

Adopted.

HB 667-FN, Directing the legislative facilities committee to conduct a study of salaries for unclassified state employees and making an appropriation therefor. Inexpedient to Legislate. Senator Podles for the Committee.

SENATOR PODLES: HB 667-FN directs the legislative facilities committee to conduct a study of salaries for unclassified state employees. HB 145 includes the proposal, therefor HB 667 is not necessary and the committee recommends inexpedient to legislate.

Adopted.

HB 554-FN, To revise municipal tax sale practices. Ought to Pass with Amendment. Senator Dupont for the Committee.

SENATOR DUPONT: HB 554-FN, as amended by the committee, does two things that are of major significance. First, it makes it optional, and that was something that the committee felt very strongly about, that if a municipality wants to allow the purchase by the municipality or town properties at tax sale and they need a vote of the governing body to do so, so it is optional. Secondly, it adds two public members to the current use advisory board.

SENATOR PRESTON: I just want to speak in strong support of the amendment and on behalf of Senator Blaisdell also, who had concerns for his area, that this is permissive. We are not mandating anything. There were objections and this allows the communities to make their own determination and I strongly support it.

#### AMENDMENT TO HB 554-FN

Amend the title of the bill by replacing it with the following:

##### An Act

to revise municipal tax sale practices and relative  
to adding 2 public members to the  
current use advisory board.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivisions; Real Estate Tax Liens. Amend RSA 80 by inserting after section 57 the following new subdivision:

##### Real Estate Tax Liens

80:58 Corporations. The real and personal property of corporations shall be liable for the tax lien process in the same manner as the property of individuals.

80:59 Real Estate Tax Lien; Optional Procedure. The real estate of every person or corporation may be subject to the tax lien procedure by the collector, in case all taxes against the owner shall not be paid in full on or before December 1 next after its assessment, provided that the municipality has adopted the provisions of RSA 80:58-86 in accordance with RSA 80:87.

80:60 Notice of Lien. The collector shall give notice of the impending lien at least 30 days prior to the execution of said lien. Notice shall be sent by certified or registered mail return receipt requested, to the last known post office address of the current owner, if known, or of the person against whom the tax was assessed. The notice shall state the name of the current owner, if known, or the person against whom the tax was assessed, the description of the property as committed to the tax collector, the date and time on which the last payment shall be accepted, and the amount of the tax, interest, and costs to the date of executing the tax lien. The returned receipt or the returned unclaimed notice shall be prima facie evidence that the collector has complied with the notice requirements of this section.

80:61 Affidavit of Execution of Real Estate Tax Lien. An affidavit of the execution of the tax lien to the municipality, county or state shall be delivered to the municipality by the tax collector on the day following the last date for payment of taxes as stated in the notice given in RSA 80:60. The collector shall execute to the municipality, county or state only a 100 percent common and undivided interest in the property and no portion thereof shall be executed in severalty by metes and bounds.

80:62 Postponement of Execution; Execution of Tax Lien by Agent.

I. Whenever it shall appear to the selectmen or assessors that the collector of taxes or deputy collector of taxes will be unable to execute the tax lien to the municipality as specified in the notice of lien, they shall have the power to delay the execution of the tax lien for a period not exceeding 3 days. If at the end of the postponed period, the tax collector or deputy collector of taxes is unable to execute the lien by reason of illness or other unavoidable cause, the selectmen or assessors may appoint in writing any duly qualified person to execute the tax lien and make the statutory return to the register of deeds.

II. Such appointee shall be sworn to the faithful performance of his duties which shall be to execute the tax lien to the municipality and to deliver the same to the town or city treasurer; taking his receipt thereof, and to make a report of the execution of the tax lien to the register of deeds within 30 days thereafter. No bond shall be required of any person appointed to execute the tax lien.

III. For the proper discharge of his duties the person appointed to execute the tax lien to the municipality shall be entitled to the same fees and charges that the collector would have received if he had

executed the tax lien and made report thereof to the register of deeds. If said tax lien execution is made in a municipality in which all fees and costs accrue to the town or city, then the sum to be allowed to the person duly qualified for his services shall not be less than the per diem compensation of the tax collector if he is paid upon a salary basis, nor less than he would have received if employed on a commission basis.

IV. Within 24 hours after the execution of the tax lien by the person duly qualified and appointed, the selectmen or assessors shall notify the commissioner of revenue administration, in writing, of the time and place of the tax lien execution and the name of the person conducting said execution. An attested copy of their notice to the commissioner of revenue administration shall be delivered by the selectmen or assessors to the person that performed the execution of the tax lien. Such person shall thereupon forward the copy of the notice, together with his report of the execution of the tax lien, to the register of deeds who shall cause the same to be entered as a part of the tax lien record.

80:63 Right to Tax Lien. Only a municipality or county where the property is located or the state may acquire a tax lien against land and buildings for unpaid taxes.

80:64 Report of Tax Lien. Each tax collector, within 30 days after executing the tax lien to the municipality, county, or state, shall deliver or forward to the register of deeds for the county in which the real estate is situated a statement of the following facts relating to each parcel of real estate subject to lien, certified by him under oath to be true; the name of the person to whom the real estate was taxed and a description of the property as it appeared on the tax list committed to him; the total amount of each tax lien, including taxes, interest, fees and costs incident to the tax lien process and making reports thereof to the register of deeds; the date and place of the execution of the tax lien, all of which shall be recorded and indexed by the register of deeds in a book or books to be kept for that purpose as provided in RSA 80:74.

80:65 Notice by Lienholder to Mortgagee. The municipality, county or state as lienholder, within 45 days from the date of execution of the lien, shall identify and notify all persons holding mortgages upon such property as recorded in the office of the register of deeds. In the event that a person holds a mortgage on more than one piece of property, a listing of the property may be forwarded by the lienholder. If the selectmen determine that one or more outstanding

mortgages exist, they may direct the collector of taxes to identify and to give such notice to any mortgagee, and the collector shall thereupon be entitled to receive the same fees as provided in RSA 80:75 for notifying any mortgagee of a payment after the execution of the tax lien. Such notice shall give the date of the execution of the lien, the name of the delinquent taxpayer, the total amount of the lien and the amount of costs for identifying and notifying mortgagees. As provided in RSA 80:75, the tax collector shall send a similar notice to any mortgagee within 30 days of the time of payment of any subsequent tax thereon by the purchaser. Any tax lien process of such encumbered real estate shall be void as against any mortgagee and no tax collector's deed based on said lien shall be valid unless the mortgagees shall have been notified in the manner provided in RSA 80:66, but the tax and any subsequent tax payments made upon the property shall be collectible and payment may be enforced by suit under the provisions of RSA 80:50.

80:66 How Notice Shall be Given. The notice shall be in writing, and a copy shall be given to each mortgagee as recorded at the registry of deeds in hand, or left at his usual place of abode, or sent by registered mail to his last known post-office address.

80:67 Fees for Notice. The municipality, county or state which has acquired the lien as executed by the collector of taxes shall recover upon redemption, for each notice or each name on a listing sent or given to a mortgagee, \$10, together with expenses for searching the registry of deeds records to determine if mortgages exist on all property listed on the execution of the tax lien document. Said expenses for the search shall be totaled and divided pro rata among the delinquent accounts. Expenses for sending the notice by certified or registered mail, return receipt requested, or mileage each way at \$.25 per mile to serve the notice, shall also be totaled and divided pro rata among the delinquent accounts.

80:68 Real Estate Subject to Liens for Old Age Assistance. No tax lien on real estate upon which there is a lien for aid to permanently and totally disabled or for old age assistance recorded in the registry of deeds shall be valid as against the state of New Hampshire unless the real estate lienholder shall notify in writing the commissioner of health and human services, within 45 days from the date of acquiring the lien. Such notice shall contain the date of the execution of the real estate lien, the name of the delinquent taxpayer, the total amount of the real estate lien and amount of costs for notifying the commissioner of health and human services. Such costs shall be the same as for notifying mortgagees.



80:69 Redemption. Any person interested in land subject to a real estate tax lien may redeem the same by paying or tendering to the collector; at any time before a deed thereof is given by the collector, the amount of the real estate lien, with interest at 18 percent per annum upon the whole amount of the recorded lien from the date of execution to the time of payment in full, except that in the case of partial payments in redemption made under RSA 80:71, the interest shall be computed on the unpaid balance, together with redemption costs and costs for identifying and notifying the mortgagees, if any. In case the tax collector who executed the tax lien against the property in question shall have died, become incapacitated, been removed from office or removed from the town or city or shall have been discharged from his bond by the selectmen or assessors, then the person interested in redeeming the property may tender the aforesaid sums to the tax collector then in office of said city or town. Upon advice from the selectmen or assessors that the amount tendered is the correct amount due, the tax collector shall accept said amount for the redemption of the property.

80:70 Notice of Redemption. When full redemption is made, the tax collector shall within 30 days after redemption notify the register of deeds of the act, giving the name of the person redeeming, the date when redemption was made, the date of the execution of the tax lien and a brief description of the real estate in question, together with the name of the person or persons against whom the tax was levied.

80:71 Partial Payments in Redemption. Any person interested in real estate upon which a real estate tax lien has been executed may make partial payments in redemption to the collector of taxes who shall receive the same and give a receipt therefor. The collector shall pay over such sums to the town treasurer. If complete redemption is not made before a deed of the real estate is given to the lienholder, the collector of taxes shall within 10 days direct the selectmen to issue an order upon the town treasurer to refund to the person making such partial payments or his heirs or assigns the sum so paid. The selectmen shall promptly issue such order. If the order is not issued within 30 days of the time the collector directs that the order be issued, the sum to be refunded shall draw interest at the rate of 6 percent per annum from the date the sum was directed to be paid to the date of actual payment.



80:72 Receipt for Redemption and Payment to Lienholder. Upon complete redemption, the collector shall give a receipt therefor, and shall pay over the money so paid to the real estate tax lienholder upon demand.

80:73 Part Owners. Each person interested with others in any taxable real estate may pay his proportion of the tax assessed thereon, provided that his share or interest therein shall have been definitely determined and recorded in the annual invoice and in the warrant book as committed to the collector. In case of tax delinquency he may pay the taxes upon his share or interest in the property and the residue only may be subject to the real estate tax lien. After the real estate tax lien has been executed by the tax collector, and at any time before a deed thereto is given by the collector, he may redeem his interest in the property by paying his assessed proportion of the taxes, accrued interest and costs incident to the real estate tax lien process.

80:74 Record to be Kept by Register of Deeds. The register of deeds shall record all the facts reported to him under RSA 80:64, 70, 75 and 76, and any other facts required to be reported by the tax collectors of his county in a book or books to be kept for that purpose. He shall keep an index thereof showing the location of the property and the names of the owners to whom taxed, the names of delinquents, the holder of the real estate tax lien, and the names of those who pay delinquent taxes or redeem from the real estate tax lien. The index may be the same as that for other records in his office or a separate one, as each register shall determine. All documents received by the register from the tax collector shall be returned to the tax collector within 30 days.

80:75 Payment of Subsequent Tax.

I. The municipality, county, or state as holder of the tax lien may pay to the collector any tax assessed upon the real estate subsequent to that of the execution of the lien, after the final installment of said tax for that year is delinquent, and the collector shall, within 30 days after such subsequent payment, notify the register of deeds of the payment, giving the date and the amount of such payment and the name of the municipality, county, or state so paying, together with the date of the tax lien, the name of the person taxed, and a description of the property subject to tax lien as shown in the report recorded in the registry of deeds. The collector of taxes shall receive \$2 for such notice to the register of deeds of the subsequent payment plus \$2 to be paid to the register of deeds.

II. The municipality, county or state as holder of the tax lien, within 30 days of payment of the subsequent tax, shall notify the current owner, if known, or the person as shown in the report of tax lien by certified mail. At the same time, the holder of the tax lien shall personally, or by certified mail, notify any mortgagee who was previously notified relative to the execution of the tax lien of his payment of the subsequent tax. The lienholder paying the subsequent tax shall receive \$10 for each notice to the current owner, if known, or the person as shown in the report of tax lien, together with expenses for sending the notice by certified mail, and a \$10 fee for each notice sent or given to a mortgagee, together with expenses for sending the notice by certified mail.

III. When a municipality is the lienholder and the municipality pays a subsequent tax and the selectmen direct the collector of taxes, as agent of the municipality, to give such notice of said payment to any owner and to any mortgagee as provided above, the collector of taxes shall receive the same fees provided for the lienholder for his service. The amount of subsequent taxes paid, together with interest on such taxes at the rate of 18 percent per annum from the date of payment shall, in addition to the tax lien amount at the time of execution with interest and costs, be paid by the person making redemption.

#### 80:76 Tax Deed.

I. The collector, after 2 years from the execution of the real estate tax lien, shall execute to the lienholder a deed of the land subject to the real estate tax lien and not redeemed. The deed shall be substantially as follows:

Know all men by these presents, That I, . . . . ., collector of taxes for the Town of . . . . ., in the County of . . . . . and State of New Hampshire, for the year 19. ., by the authority in me vested by the laws of the state, and in consideration of . . . . .  
 . . . . . to me paid by . . . . ., do hereby sell and convey to . . . . ., the said . . . . ., (here describe the land sold), to have and to hold the said premises with the appurtenances to . . . . ., forever. And I do hereby covenant with said . . . . ., that in making this conveyance I have in all things complied with the law, and that I have a good right, so far as the right may depend upon the regularity of my own proceedings, to sell and convey the same in manner aforesaid.

In witness whereof I have hereunto set my hand and seal the .day of . . . . ., . . . . .

Signed, sealed and delivered in the presence of . . . . .

II. Notwithstanding the provisions of paragraph I, the collector shall not execute a deed of the real estate to a municipality when the municipality has notified the collector that it shall not accept the deed because acceptance would subject the municipality to potential liability as an owner of property under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. section 9601 et seq., the Resource Conservation and Recovery Act, 42 U.S.C. section 6901 et seq., RSA 147-A and 147-B, and any other federal or state environmental statute which imposes strict liability on owners for environmental impairment of the real estate involved.

80:77 Notice to Current Owner. At least 30 days prior to executing the deed under RSA 80:76, the tax collector shall notify the current owner of the property or his representative or executor, by certified mail, return receipt requested, of the pending deeding. The tax collector shall receive \$10 for his services plus incidental expenses of printed notice. All of the said costs shall be paid at the time of redemption.

80:78 Incontestability. No action, suit or other proceeding shall be brought to contest the validity of an execution of the real estate tax lien or any collector's deed based thereon after 10 years from the date of record of the collector's deed.

80:79 Return of Reports. Whenever a tax collector, under the provisions of RSA 80:62, 64, 70, 74, 75, or 76 shall make a return or a report to the register of deeds of an execution of the real estate tax lien, subsequent tax payment, redemption payment, collector's deed, or discharge of a tax lien for any reason, the register of deeds shall cause the time of his receipt thereof to be stamped or written upon the back of said report or certificate and shall, after entering the same in the registry records, return it to the tax collector as provided in RSA 80:74.

80:80 Transfer of Tax Lien.

I. No transfer of any tax lien upon real estate acquired by a town or city as a result of the execution of the real estate tax lien by the tax collector for non-payment of taxes thereon shall be made to any person by the municipality during the 2 year period allowed for redemption, nor shall title to any real estate taken by a town or city in default of redemption be conveyed to any person unless the town, by majority vote at the annual meeting, or city council by vote, shall authorize the selectmen or the mayor to transfer such lien or to convey such property by deed.

II. If the selectmen or mayor are so authorized to convey such property by deed, either a public auction shall be held, or the property may be sold by advertised sealed bids. The selectmen or mayor shall have the power to establish a minimum amount for which the property is to be sold and the terms and conditions of the sale.

III. The selectmen may, by a specific article in the town warrant, or the mayor, by ordinance, may be authorized to dispose of a lien or tax deeded property in a manner than otherwise provided in this section, as justice may require.

IV. Such authority to transfer or to sell shall continue in effect for one year from the date of the town meeting or action by the city council unless otherwise provided.

#### 80:81 Executing Real Estate Tax Lien.

I. Each tax collector shall receive the following fees in connection with the execution of the real estate tax lien to be charged as costs for the services listed below, except as otherwise noted:

(a) For notice of the impending tax lien against a delinquent taxpayer covering all unpaid taxes listed under his name, \$10.

(b) For each parcel listed of the impending tax lien, \$2.

(c) For executing the real estate tax lien against each delinquent taxpayer, \$10.

(d) For executing the real estate tax lien against each parcel, \$2.

(e) For notice to the register of deeds of redemption or discharge of the lien after execution, \$2 plus the fees advanced and paid to the register of deeds.

(f) For each deed made, recorded and delivered to the lienholder, \$10 plus the recording fees, both to be paid by the lienholder.

(g) For each notice to the register of deeds of payment of tax subsequent to execution of the tax lien, \$2 plus the fees advanced and paid to the register of deeds.

II. Collectors shall also be allowed to charge for postage, fees of notaries or justices of the peace incident to making returns to the registry of deeds, and for the cost of printed forms and stationery and for other necessary and actual expenses incurred. These expenses shall be totalled and divided pro rata among the delinquent taxpayers when real estate is subject to the execution of a tax lien.

#### 80:82 Register of Deeds.

I. The register of deeds shall be paid by the collector of taxes the following fees:

(a) For recording and indexing a report of execution of tax lien, each parcel, \$2.

(b) For recording and indexing a report of redemption or discharge of lien, each parcel, \$2.

(c) For recording and indexing a report of subsequent tax payment, each parcel, \$2.

II. The collector of taxes shall be reimbursed for the fees advanced to the register by the person redeeming the real estate after the real estate was made subject to the execution of the real estate tax lien process, or requesting the discharge of the tax lien.

III. The register of deeds may make such charge as he deems reasonable and proper for searching the records and reporting mortgage encumbrances at the request of the real estate lienholder; however, this shall not be considered a mandatory duty of the register of deeds.

80:83 Exception. The provisions of this RSA 80:55, relative to timely mailing, shall not apply to payment or remittance as a result of execution of tax liens or tax lien redemptions or payment of subsequent taxes thereon.

80:84 Amendments of Inventories and Tax Lists. Inventories and tax lists already delivered to tax collectors shall be amended by selectmen or assessors to the extent of correcting errors or perfecting the description of certain property therein listed, upon application made to them by the tax collector prior to notice of the impending execution of the real estate tax lien in accordance with the provisions of RSA 80:60. Notice of such amendment to the inventory shall be sent by the selectmen or assessors, in writing and by registered mail, prior to the notice of the impending execution of the real estate tax lien by the tax collector but not more than 30 days prior to the notice, to the last known address of the owner or of the persons taxed.

80:85 Lien Procedure.

(e) All land use change tax assessments levied under RSA 79-A:7 shall create a lien upon the lands on account of which they are made and against the owner of record of the said land on the date of the change in use. Furthermore, such liens shall continue for a period of 18 months following the assessment, and such assessment shall be subject to the real estate tax lien procedure by the tax collector prescribed by RSA 80:59.

80:86 Tax Lien on Real Estate. Real estate of every kind levied upon under RSA 85 shall be subject to the real estate tax lien procedure, and the owner of such real estate shall have the right to redeem the real estate.



80:87 Procedure for Adoption.

I. Any town or city may adopt the provisions of RSA 80:58-86 for a real estate tax lien procedure in the following manner:

(a) In a town, the question shall be placed on the warrant of a special or annual town meeting under the procedures set out in RSA 39:3, and shall be voted on by ballot. In a city, the legislative body may consider and act upon the question in accordance with their normal procedures for passage of resolutions, ordinances and other legislation. The legislative body of a city may vote to place the question on the official ballot for any regular municipal election, or, in the alternative, shall place the question on the official ballot for any regular municipal election upon submission to the legislative body of a petition signed by 5 percent of the registered voters.

(b) The selectmen or city council shall hold a public hearing on the question at least 15 days but not more than 30 days before the question is to be voted on. Notice of the hearing shall be posted in at least 2 public places in the municipality and published in a newspaper of general circulation at least 7 days before the hearing.

(c) The wording of the question shall be: "Shall we adopt the provisions of RSA 80:58-86 for a real estate tax lien procedure? These statutes provide that tax sales to private individuals for nonpayment of property taxes on real estate are replaced with a real estate tax lien procedure under which only a municipality or county where the property is located or the state may acquire a tax lien against land and buildings for unpaid taxes."

II. If a majority of those voting on the question vote "Yes", RSA 80:58-86 shall apply within the town or city on the date set by the town selectmen or city council; provided, however, that upon adoption the provisions of RSA 80:58-86 shall in no event apply earlier than January 1, 1988, and no later than the next January 1 following approval of the question.

III. If RSA 80:58-86 are adopted by a town or city, the provisions of RSA 80 relative to tax sales shall not apply to that municipality.

IV. If the question is not approved, the provisions of RSA 80 relative to tax sales for nonpayment of property taxes shall remain in effect.

V. (a) Any town or city which has adopted RSA 80:58-86 may consider rescinding its action in the manner described in RSA 80:87, I(a) and (b). The wording of the question shall be the same as set out in RSA 80:87, I(c), except the word "adopt" shall be changed to "re-scind."

(b) If a majority of those voting on the question vote "Yes", then as of the next January 1, RSA 80:58-86 shall not apply within the town



or city. As of the same date, the provisions of RSA 80 relative to tax sales for nonpayment of property taxes shall apply.

VI. Any county may adopt the provisions of RSA 80:58-86 for a real estate tax lien procedure by affirmative vote of the county convention upon recommendation of the county commissioners and the executive committee. Upon adoption, such provision shall in no event apply earlier than January 1, 1988, and no later than the next January 1 following approval. Any county which has adopted the provisions of RSA 80:58-86 may rescind its action in the same manner.

2 New Section; Alternate Tax Lien Procedure. Amend RSA 80 by inserting after section 20 the following new section:

80:20-a Alternate Tax Lien Procedure. In any town, city or county which adopts the provisions of RSA 80:58-86 for a real estate tax lien procedure as provided in RSA 80:87, the provisions of RSA 80 relative to tax sales shall not apply. In such municipalities and counties, only a municipality or county where the property is located may acquire a tax lien against land and buildings for unpaid taxes, and tax sales to private individuals shall be prohibited.

3 Reference to Tax Sales. Amend RSA 498:5-d to read as follows:

498:5-d Decrees.

I. The court in any action brought under the provisions of RSA 498:5-a shall hear the several claims and determine the rights of the parties, whether derived from deeds, wills or other instruments or courses of title, and may determine the construction of the same, and render judgment determining the questions and disputes and quieting and settling the title to such property. In any case in which a tax sale is adjudged invalid, the court, as a condition precedent to the entry of a decree setting aside such sale, shall require the claimant of the property in question to pay to the purchaser a sum of money equal to the amount paid by such purchaser at the tax sale in question, including fees prescribed by law and the amounts paid by such purchaser to satisfy any taxes assessed against the property in question subsequent to such tax sale, with interest thereon at the legal rate from the date of such sale or date of payment of such subsequent taxes to the date of the decree.

II. If the provisions of RSA 80:58-86 are adopted by a municipality or a county as provided in RSA 80:87, the provisions of paragraph I relative to tax sales shall not apply.

4 Current Use Advisory Board Membership. Amend the introductory paragraph of RSA 79-A:3, II to read as follows:

II. The board shall consist of [eleven] 13 members to be appointed as follows:

5 New Subparagraph; Additional Members. Amend RSA 79-A:3, II by inserting after subparagraph (i) the following new subparagraph:

(j) Two members of the public appointed by the governor with the advice and consent of the council.

6 Effective Date.

I. Sections 4 and 5 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect January 1, 1988.

Amendment Adopted. Ordered to Third Reading.

HB 599, Relative to submetering by master metered utility customers. Ought to Pass with Amendment. Senator Bond for the Committee.

SENATOR BOND: HB 599 allows campgrounds, and that's limited to campgrounds, to submeter electrical service to their seasonal occupants. The committee report is unanimous.

#### AMENDMENT TO HB 599

Amend the title of the bill by replacing it with the following:

An Act

relative to submetering in campgrounds  
by master meter utility customers.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Definition of Campground. Amend RSA 362 by inserting after section 1 the following new section:

362:1-a Campground. For purposes of this chapter, the term "campground" means a recreational camping park on which 10 or more tents, or recreational vehicles including trailers, tent trailers, vans, pick up campers, or motor homes are used as temporary living quarters for recreational use, and a fee is charged for such land use.

2 New Section; Definition of Sale. Amend RSA 362 by inserting after section 3 the following new section:

362:3-a Sale; Submetering in Campgrounds. The term "sale" shall not include electric submetering in campgrounds for the purpose of calculating reimbursable amounts among submeter users; provided, that reimbursable amounts shall be distributed pro-rata among submeter users and do not exceed the total amount charged by the utility to the campground master metered customer.

3 Effective Date. This act shall take effect upon its passage.

Amendment Adopted. Ordered to Third Reading.

HB 446, Relative to the registration of partnerships and corporations. Ought to Pass with Amendment. Senator Heath for the Committee.

SENATOR HEATH: This brings a lot of the language of the law into conformity with present practices and corrects the mistakes that they made during recodification and adds some suggested amendments by the Secretary of State and, for the most part, it really could be considered just perfunctory, clearing up of existing practices.

#### AMENDMENT TO HB 446

Amend the bill by replacing section 1 with the following:

1 Certificate of Authority. Amend RSA 293-A:107, I, to read as follows:

I. No foreign corporation, nor so-called Massachusetts trust or business trust, shall have the right to transact business in this state until it shall have procured a certificate of authority so to do from the secretary of state. No foreign corporation or business trust shall be entitled to procure a certificate of authority under this chapter to transact in this state any business which a corporation organized under this chapter is not permitted to transact. [A foreign corporation or business trust shall not be denied a certificate of authority by reason of the fact that the laws of the state or country under which the corporation is organized governing its organization and internal affairs differ from the laws of this state, and nothing contained in this chapter shall be construed to authorize this state to regulate the organization or the internal affairs of the corporation.] The secre-

tary of state shall not accept [articles of incorporation] an application for a certificate of authority unless accompanied by the certification required by RSA 421-B:13, I-a(b).

Amend the bill by replacing section 7 with the following:

7 Office Fees; Certificates. Amend RSA 5:10 to read as follows:

5:10 Office Fees. Except as otherwise provided, the following fees shall be paid to the secretary of state for the use of the state: For every commission issued to a justice of the peace or to a notary public, \$30; [for every other commission to any person for an office of profit, \$5, to be paid by such person;] for every certificate pertaining to the existence of a corporation, trade name, or other business entity, or writ served on the same, \$5; for every such certificate in long form, \$10; for every other certificate under seal of the state, \$1; for engrossing private acts, \$1 for each page of 240 words.

8 Increase in Charge for Certified Copy of any Corporate Document; Secretary of State. Amend RSA 293-A:135, I to read as follows:

I. For furnishing a certified copy of any document, instrument, or paper relating to a corporation, \$1 per page and \$[1] 5 for the certificate and affixing the seal to the certificate.

9 Elimination of Certain Procedural Requirements Relative to Actions by Partnerships and Associations. Amend RSA 349:2 to read as follows:

349:2 Withdrawal or Addition of Partner; Discontinuance of Business. Whenever any member of such partnership or association withdraws therefrom, the partnership or association shall, within 10 days, file in the office of the secretary of state a certificate signed [and sworn to] by all members, including the withdrawing member, setting forth the fact of such withdrawal, together with the date thereof. Whenever a new member is added to such a partnership or association or joins a sole proprietorship holding a registered trade name, the new member and previous member or members shall, within 10 days, file in the office of the secretary of state a certificate signed [and sworn to] by all members, including the new member, setting forth the facts of such addition, together with the date thereof. If any person, partnership or association to whom the provisions of this chapter apply shall cease to do business, a certificate setting forth such fact and the date of such discontinuance shall be filed with the secretary of state within 30 days thereafter. Such cer-

tificate shall be signed [and sworn to] by the members of such partnership or association, or by any sole proprietor, or by his or their executors or administrators.

10 Registration Procedure; Requirements; Conducting Business. Amend RSA 349:5 to read as follows:

349:5 Registration; Procedure. Every person, proprietorship, partnership or association, as defined in RSA 349:1, engaged in the conduct of any business, enterprise, venture or activity within the state of New Hampshire under a trade name, firm or style shall, subject to the limitations hereinafter set forth, file in the office of the secretary of state a certificate signed [and sworn to] by such person, proprietorship or by the members of such partnership or association stating the name under which the business is to be conducted, the principal place of said business, and a brief description of the kind of business to be carried on with the names and addresses of the principal parties engaged therein. Said registration shall further state the date of organization of said business and any limitation of time after which said business shall be no longer conducted.

11 Effective Date. This act shall take effect 60 days after its passage.

Amendment Adopted. Ordered to Third Reading.

HB 433, Relative to the termination of county employees. Ought to Pass with Amendment. Senator Bond for the Committee.

SENATOR BOND: The amendment to HB 433 will be found on page 7. It provides for the Belknap county attorney to engage in civil law practice with the commencement of the next elected term of the county attorney.

#### AMENDMENT TO HB 433

Amend the title of the bill by replacing it with the following:

An Act

relative to the Belknap county attorney.

Amend the bill by replacing all after the enacting clause with the following:

1 Belknap County Attorney; Limitation on Legal Practice. Amend RSA 7:34-c to read as follows:



7:34-c Private Practice [Prohibited] Restricted; Belknap County. The Belknap county attorney shall not directly or indirectly engage in the private practice of criminal law or accept any fees or compensation other than his official salary for any legal services in the field of criminal law. [Private practice of law does not include the provision of legal services without charge to the members of the county attorney's family, when the provision of these services does not conflict with his official duties] He may engage in the private practice of civil law.

2 Application. The provisions of this act shall take effect upon the completion of the current term of the Belknap county attorney.

3 Effective Date. This act shall take effect upon its passage.

Amendment Adopted. Ordered to Third Reading.

Senator Freese wished to be recorded as opposed to the amendment.

Recess

Out of Recess

Senator Freese in the Chair.

HB 479, Relative to delaying condominium conversions following certain rental increases. Ought to Pass with Amendment. Senator White for the Committee.

SENATOR WHITE: You will find the amendment on page 9 of the calendar. Basically we used this bill as a vehicle. As you will recall, we had the bill here before dealing with delaying condo conversions and we have taken that all out of the bill, so none of that is remaining. We have instead the ombudsman that you will find on page 9. What we did in that one was to take out the funding. This is a bill that originally went to Public Institutions, Health & Human Services, was passed and was subsequently killed in the Senate Finance because of the funding, so we took the funding out.

SENATOR MCLANE: I would like to strongly oppose the bill, as amended, because the bill has been changed all but the title. I wonder if, in this late time of the Senate, we are going to start going to do this sort of thing. This is a bill that we have an amendment to a bill that we have seen before and we had long debate on it. It is my contention that this bill is a harrasment measure against the direc-



tor of the division of children and youth. It was pointed out in the debate that there already is an ombudsman who is not linked to the division and who works for child and family services. The foster parents that we dealt with, the head of the foster parent association and those that came to speak on the foster parent increase, all were very supportive for that ombudsman. There is also a committee and council set up under the division of children and youth that has labored long and hard over the problems facing that division. If you really care about children in this state, it is my suggestion that you let the commission do its work and you let the foster parent association do that. Foster parents have nothing to do with condominiums. They have nothing to do with the number of the bill lying before you and I would suggest to this body that if we are going to bring up old and truly emotional issues and tack them on to other bills this late in the session, we are in for a long day and an unpleasant day. So, for that reason I would ask you not to strike out every single bit of this bill, but the number and substitute a measure which has been defeated and voted down in Senate Finance. My last point would be that there is money involved in this. This bill directs the department of human services to supply a part-time secretary who shall take the minutes, send the copies and perform other secretarial services as needed. Without the amendment this is taking money away from a division that is doing its best to care for children and foster children in this state.

SENATOR HEATH: I'm frankly insulted that any member of this body insists on interpreting this piece of legislation as a harassment. All this piece of legislation does is allow the foster parent associations to get together to make nonbinding recommendations, present to the legislature and to the department that oversees foster parenting and to the Governor's office. If we can't do that, if we can't leave a voice outside of the agency that costs this state not one penny, then what are we doing recruiting foster parents and what are we doing looking for more money to pay these people if we are not even willing to listen to them? It is a violent kind of attack on this piece of legislation to suggest that this is aimed at one person in the department. I confess that that person is not one of my favorites, but if I was setting out to do something legislatively, believe me, it wouldn't be this kind of a benign bill. This came from foster parent organizations that asked me to do something so they could get some communication into the department for suggested changes. It will help us recruit foster parents; it will help us keep foster parents and it will cost the state absolutely zero and it has passed this body once. Without an appropriation, it should have no objections from anyone

because it was after the fiscal committee looked at that it failed on the second time through the body.

SENATOR PODLES: Senator Heath, isn't it true that the current foster parents ombudsman has an 800 line, and is available 24 hours a day and that this would be a duplication of services?

SENATOR HEATH: Senator, there is no current ombudsman. The person that you are referring to is a part of the agency in the State of New Hampshire and that is exactly the kind of separation we are talking about. All this bill does is allow them to get together and to present an official suggestion or changes in legislation and rule making and so on for this, so that the agency can toss aside and the legislatures can toss aside, but at least we're listening to them and there is a possibility that we might get some good suggestions.

SENATOR PODLES: Do you agree with me that the current ombudsman does exactly what you are saying?

SENATOR HEATH: I don't know if we are speaking the same language, Senator. You insist there is a current ombudsman; there isn't one in law. The person that you are referring to, that you would like to think of as the ombudsman, serves an entirely different function. She is a coordinator and that's a legitimate role. An ombudsman is an objective person outside of an agency that speaks for a group in the government. A coordinator is a person that works with two factions. They are very separate and distinct differences and probably both should be employed. I have no reason to believe that the person that you're referring to shouldn't be there but why, at no cost to the State, do you want to drop a curtain between our foster parent organizations and the agencies in terms of just making an official report of suggestions?

SENATOR MCLANE: Senator Heath, I guess the first thing is to clear up the impression that I have had from child or family services, that Gail Rouch is paid by them from a grant and is not either an employee of the state nor does she receive any money from the state. She has been set up, as I believe is true, are you disagreeing with that?

SENATOR HEATH: I am disagreeing with the fact that she is an ombudsman. That is not her function at all and I am disagreeing to the fact that she has no financial ties with the State because that grant comes down through the agency. But nonetheless, it's a totally different function. I just can't understand your objection, except

that you insist on misinterpreting this as a short of funding. If I were going to do something legislatively to somebody in an agency and I don't think I have a record of doing that kind of thing, but if I were going to, I think I could be more creative than setting up an ombudsman council that makes nonbinding suggestions.

SENATOR MCLANE: Have you read her job description? Are you sure that this person has not functioned as an ombudsman?

SENATOR HEATH: There is no mention as an ombudsman in her job description, unless it occurred in the last month or so after this became an idea.

SENATOR MCLANE: We, on Senate Finance and in Public Institutions, have been privileged to meet with several groups of foster parents, all of who belong to an organization called New Hampshire Foster Parents. That group is very different from the groups that, I believe, are implied in this bill. I wonder if, by the way this bill is written, you wish to make clear that the New Hampshire Foster Parents Association shall not speak for foster parents, in the way that the bill is written to say any organized New Hampshire based foster parent association?

SENATOR HEATH: I don't understand how in the world, when we are both trying to improve the foster parent system and you have worked long and hard for it and I have been involved because I've seen things happen in my district and other Senators have been involved, it needs improvement. We are adding something that allows every foster parent organization and does not exclude that one, but does not make that the exclusive voice. It simply makes an ombudsman that can be represented from all of these. I just don't understand how you can object to it and it is inclusive of that group.

SENATOR NELSON: Senator McLane, given the fact that this particular position will be an advocate to the foster parents, given the cutbacks in the budget that were just made that the foster parents didn't get, they got 30% of what they originally pay in and how any of their capital get funded. Do you think now, given that new information, this bill just recently passed the Senate that maybe it is time to consider that this room needs an ombudsman to help this already person who is already in there called the coordinator.

SENATOR MCLANE: Senator Nelson, if I believe that this foster parent ombudsman council that has been added to HB 479 were really going to perform a function of advocacy for the pay raise for

foster parents, I would be the first to support that. But it is my impression from dealing with Dave Bundy, from dealing with the very upset division, that noticed this this morning hidden away in the journal from dealing with those foster parents and from dealing with child and family services, that those people that I respect, in the field who I feel care for foster parents, feel that this council would be nothing but a disruption of the programs that you and I are solidly for and feel we should support.

SENATOR NELSON: Would you believe, Senator McLane, that I do not agree with you and, as I was a sponsor of the foster care bill, Feel that I would support any of the legislation that will help foster parents have some help in this Senate?

#### AMENDMENT TO HB 479

Amend the title by replacing it with the following:

#### An Act

relative to a foster parents ombudsman council.

Amend the bill by replacing all after the enacting clause with the following:

1 Establishment; Purpose. There is hereby established a foster parents ombudsman council to act as an advocacy group for foster parents and to form a link for cooperation between the department of health and human services and foster parents, for mutual understanding and benefit.

#### 2 Membership; Staff.

I. The membership of this council shall consist of: 2 people who are foster parents of different children, appointed by the governor; and 2 people who are foster parents of different children, and members of any organized New Hampshire-based foster parents association, nominated by the leadership of that association, and appointed by the governor. The location, time, and date of the first meeting of the council shall be set by the first named of the governor's appointments to the council. At the first meeting, the council shall elect a chair from among its members. All members shall serve without compensation.

II. The department of health and human services shall provide the council with a meeting area in which to conduct its business. The department shall also provide the council with a part-time secretary

who shall take minutes at council meetings, and send a copy of these minutes to the commissioner of the department, and perform other secretarial services as needed by the council.

3 Annual Report. The council shall present a report, not later than July 1, 1988, to the governor, president of the senate, and speaker of the house including, but not limited to, recommendations for legislation and rulemaking changes relating to foster parents.

4 Effective Date. This act shall take effect July 1, 1987.

Amendment Adopted.

Senator McLane requested division vote.

Question: Ordered to Third Reading.

15 Yeas

6 Nays

Adopted. Ordered to Third Reading.

HB 370-FN-A, Relative to employment opportunity. Ought to Pass with Amendment. Senator White for the Committee.

SENATOR WHITE: You will find the amendment on page 7 of the calendar. Basically what the amendment does is to limit the expenditures under this particular bill to those figures that are in the budget. There was some confusion this morning as to the amount not being the correct amount. But basically, what the figures do is say that each year of the biennium. The bill establishes incentives to encourage single parents to seek employment. I don't think that there is anyone here that would be opposed to having single parents going out and work. Basically, it covers their shelter allowance and their medicaid. Those are reasons why many people are still on welfare, because they do not have the medicaid coverage and they do not have the shelter allowance. Hopefully this will be an incentive to put people back to work. I had hoped that maybe we could re-refer and look at some of the fine details of the bill, but we would have come out with a split report from the committee. So, the bill before you is ought to pass with amendment.

SENATOR KRASKER: Senator White, earlier today, I had asked you if you were planning on adding the amendment I had offered to the committee during the hearing. Will that be done today?

SENATOR WHITE: The Senate council and I have been going back and forth on various amendments to the bill. It was our belief that if



that went in, then it would possible negate the other. If you want to lay the bill on the table and get that amendment prepared. We just have not prepared that amendment, at this time.

Senator Bond moved to lay HB 370-FN-A on the table.

Adopted.

HB 727, Relative to the right-to-know law. Re-refer to Committee. Senator Podles for the Committee.

SENATOR PODLES: Originally, I thought that the right-to-know bill, which is HB 727, should be re-referred to committee for further study. However, it appears that the matter can be handled properly at this time. I have a floor amendment which I am prepared to offer. I understand that I must defeat the committee report.

Committee Report failed.

Senator Podles moved to substitute Ought to Pass.

Adopted.

Senator Podles offered a floor amendment.

SENATOR PODLES: The floor amendment addresses many of the concerns that surfaced during the testimony before the Senate Judiciary committee. I would like the Senators to turn to page one of HB 727. In the first section 91A:1A, liberal construction, what it does, is it retains that most important part of the bill, as it was passed in the House. The bill specifically provides that the law shall be construed liberally to provide the greatest access to government, and this is an essential component of a democracy. The amendment insures that this will be the case. On page two of the bill, at the top of the page, there were concerns expressed that an exemption from the right-to-know law dealing with legal consultation was too broad. So, we changed the top of those two sentences and my amendment tightens the loophole in the bill as passed in the House. It says that only those persons whose presence in the meeting, where a public body is consulting counsel which would be permissible under the attorney/client privilege, would be able to attend. So, that this would allow the attorney to include his paralegals and other support staff, but it would not allow some public body to parade half of the state bureaucracy through a private meeting. On page four of the bill, at the top of the page, the first two sentences; my amendment closes that



loophole which allowed a public body to oppose secretly, by simply saying it was deliberating only in executive sessions. On page seven, the amendment also sets a cap on what a public body can charge for documents requested by the public and that shall not exceed \$1 per page. On page nine and ten, we have taken out of the bill, as it was passed, all of the criminal penalty provisions. It also eliminates the provision which would make a person not a member of the public body potentially liable for attorney fees and subject to criminal penalty. The amendment does not change the current law in regard to an award of attorneys fees. Current law already allows a court to award attorney fees incurred by a party who had to go to court because the public body that is violating the right-to-know law. The current law has that provision which allows the court to find someone, who intentionally also acted in bad faith, personally liable. So, on page nine, we eliminated everything on the bottom of page nine and all of page ten of the bill. I would urge your support for this amendment on HB 727.

SENATOR BOND: Senator Podles, in your opinion does the law make it more hazardous for our volunteer type citizen rating most the governments involve?

SENATOR PODLES: No, it increases access to the public.

#### Floor Amendment to HB 727

Amend RSA 91-A:1-b, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Consultation with legal counsel, provided that only members of the body, legal counsel, and those persons whose presence would not abrogate the attorney-client privilege are present.

Amend RSA 91-A:2, I as inserted by section 2 of the bill by replacing it with the following:

I. All public proceedings, as defined by RSA 91-A:1-b, III, shall be open to the public and all persons shall be permitted to attend any meetings of those public bodies.

Amend RSA 91-A:3, I as inserted by section 3 of the bill by replacing it with the following:

I. All sessions at which information, evidence, or testimony in any form is received, except as provided in paragraph II, shall be open to the public. No ordinance, orders, rules, resolutions, regulations, contracts, appointments, or other official actions shall be finally ap-

proved in executive session except as provided in paragraph II. The record and minutes of the executive session, as provided in RSA 91-A:4, shall be available for public inspection promptly, except as provided in RSA 91-A:4, II(b).

Amend RSA 91-A:4, I as inserted by section 4 of the bill by replacing it with the following:

I. All minutes and records of meetings shall be available to the public, and all persons shall have access to them in accordance with this section.

Amend RSA 91-A:4, III(d) and (e) as inserted by section 4 of the bill by replacing them with the following:

(d) Each public body shall, upon request for any public record reasonably described, make available for inspection and copying any such public record within its files when the record is immediately available for release. If a public body is unable to make a public record available for immediate inspection and copying, it shall, within 5 business days of request, make such record available, deny the request in writing with reasons, or furnish written acknowledgment of the receipt of the request and a statement of the time reasonably necessary to determine whether the request shall be granted or denied. If a photocopying machine or other device maintained for use by a public body is used by the body to copy the public record or document requested, the person requesting the copy may be charged only the actual cost of providing the copy, which cost shall not exceed \$1 per page and which may be collected by the public body. Nothing in this section shall exempt any person from paying fees otherwise established by statute for obtaining copies of public records or documents, but if such fee is established for the copy, no additional costs or fees shall be charged.

(e) In the same manner as set forth in RSA 91-A:4, III(d) any public body which maintains its records in a computer storage system may, in lieu of providing original documents, provide a printout of any records reasonably described and which the body has the capacity to produce in a manner that does not reveal information which is confidential under this chapter or any other law. The person requesting the information may be charged only the actual cost of providing such printout. Access to work papers, individual personnel files, and other confidential information under RSA 91-A:5, I(d) shall not be provided.

Amend RSA 91-A:5, I(e) as inserted by section 5 of the bill by replacing it with the following:

(e) Confidential commercial, or financial information of an individual, partnership, or corporation.

Amend the bill by replacing all after section 6 with the following:

7 Effective Date. This act shall take effect 60 days after its passage.

Floor Amendment Adopted. Ordered to Third Reading.

HB 367-FN-A, Establishing a study committee to examine the cooperative extension service. Ought to Pass. Senator Heath for the Committee.

SENATOR HEATH: This bill establishes a study committee to study the funding of the cooperative extension service since the federal changes in funding have come through. The whole question of funding through cooperative extension has been sort of parceled out in a number of directions. We really think that we need to have a study, as much as we probably have too many studies, but this one is really necessary to get some handle on how this will be funded in the future and what we are going to do in this transition as it moves from a federal responsibility more towards the state and county responsibility. I would urge you to pass it.

Adopted. Ordered to Third Reading.

HB 228, Legalizing certain town and district meetings. Ought to Pass with Amendment. Senator Heath for the Committee.

SENATOR HEATH: This bill is a trailer bill and we kept it here for a while because there was a number of towns that needed actions legalized. All I can tell you is that there are a number of things. We have looked at them all and it deserves an ought to pass recommendation and I would urge you to go with it.

#### AMENDMENT TO HB 228

Amend the title of the bill by replacing it with the following:

## An Act

legalizing certain town and district meetings and  
relative to an increase in the salaries of  
the Conway police commissioners.

Amend section 6 of the bill by replacing it with the following:

6 Salary Increase for Police Commissioners; Conway. Amend 1969, 570:3 to read as follows:

570:3 Compensation. The voters at an annual town meeting in the town of Conway may provide that the salary for each of said police commissioners shall be [one hundred dollars] not more than \$500 per year, except that the chairman of the police commission shall receive a salary of not more than \$600 per year.

7 Effective Date. This act shall take effect upon its passage.

Amendment Adopted.

Senator Heath offered a floor amendment.

SENATOR HEATH: We executed the other day, on this piece of legislation and its amendment, we executed on dealing with the small amount of money as it was authorized in a vote in Rollinsford. The vote was not done by a paper ballot. I think it was less than \$35,000 dollars. We wanted that on here and it inadvertently got dropped out and I would urge you to add this to the piece of legislation. It's important to Rollinsford and this is the last opportunity to do this in this session.

## Amendment to HB 228

Amend the bill by replacing section 7 with the following:

7 Town of Rollinsford. All votes, proceedings, and actions of the annual town meeting in the town of Rollinsford held March 10, 1987 are hereby legalized, ratified, and confirmed.

8 Effective Date. This act shall take effect upon its passage.

Floor Amendment Adopted.

Senator Johnson moved to lay HB 228 on the table.

Adopted.

HB 508, Authorizing transfer within a program appropriation unit of the department of health and human services. Ought to Pass with Amendment. Senator White for the Committee.

SENATOR WHITE: This is a very simple bill allowing the transfers within the department of health and human services. It is something that has gone on within the last few years, as they don't always know which department they will need the money in and which they won't need the money in. The amendment that the committee adopted, you will find on page nine of the bill. We would hope that you will approve the committee report of ought to pass as amended.

#### AMENDMENT TO HB 508

Amend the bill by replacing section 1 with the following:

1 Authority to Transfer. Notwithstanding any other provision of law, including the provisions of RSA 99:4 and RSA 9:17-a through 17-c or any general transfer authority for departments as defined in RSA 9:1 provided in the general appropriations bill or other law, during the biennium ending June 30, 1989, the commissioner of health and human services is hereby authorized, with the prior approval of the advisory budget control committee and governor and council, to make such transfers within the department's program appropriation unit including its components, subcomponents, and classes within its unit numbered 05-02-05, including division of mental health and developmental services central office, Laconia state school and training center, New Hampshire hospital, and Glenclyff home for the elderly, as he shall deem necessary or appropriate to most effectively meet the priorities and goals of the mental health and developmental services system, and the provisions of RSA 99:4 and RSA 9:17-c shall not apply to such program appropriation unit.

Amendment Adopted.

Senator Bartlett offered a floor amendment.

SENATOR BARTLETT: The floor amendment to HB 508 has been suggested by the legislative budget. Strange as it may seem, it appears the we are spending more money, but they do inform us that it has been cleared with the other departments that unless we pass this legislation it will cause a decrease in our general funds of \$2 million dollars. I urge the adoption of the floor amendment.



SENATOR DISNARD: Does this mean that we are going to expand the amount of money requiring from the counties?

SENATOR BARTLETT: Senator Disnard, this does not mean we are going to expand anything unless we pass this legislation we will loose \$2 million dollars of federal money. If we don't receive this \$2 million dollars to pay the people who normally receive it, we will take it out of general funds.

SENATOR DISNARD: I understand the dilemma, but will the Constitutional Amendment allow this expansion?

SENATOR BARTLETT: Yes, what has happened is this was overlooked and it should have been put on to one of the bills previously to make the continuation of the program.

SENATOR DISNARD: Senator Bartlett, you are more knowledgeable and I respect you. Please don't misunderstand what I am saying. When I read from \$6 dollars to \$25 dollars and \$23 dollars to \$60 dollars, to me that looks like an increase for the counties?

SENATOR BARTLETT: It is not a new program and to comply with the Feds, we must have this language.

#### Floor Amendment to HB 508

Amend the title of the bill by replacing it with the following:

#### AN ACT

authorizing transfers within a program appropriation unit  
of the department of health and human services,  
and providing for an increase in local  
medical assistance contributions.

Amend the bill by inserting after section 1 the following, and renumbering section 2 to read as section 3.

2 Local Medical Assistance Contribution Increased. Amend RSA 167:18-f to read as follows:

167:18-f Local Medical Assistance Contribution. In addition to any other reimbursement required by law, each county shall, within 60 days from notice thereof, reimburse the public assistance fund at the rate of [\$6] \$25 per month for each recipient of old age assistance and [\$23] \$60 per month for each recipient of aid to the permanently and totally disabled for whom the county would be liable under the provisions of RSA 166.



Floor Amendment Adopted. Ordered to Third Reading.

Senator Disnard wished to be recorded as opposed to the floor amendment.

HB 293-FN-A, Relative to foster family homes and making an appropriation therefor and establishing a committee on foster families. Inexpedient to Legislate. Senator St. Jean for the Committee.

Senator St. Jean moved to substitute Ought to Pass.

Adopted.

Senator St. Jean offered a floor amendment.

Floor Amendment to HB 293-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

restricting the travel of double  
trailers in cities and towns.

Amend the bill by replacing all after the enacting clause with the following:

1 Travel of Double Trailers Restricted in Cities and Towns. Amend RSA 265:108, II to read as follows:

II. Access routes for truck-tractor, semi-trailer [or], and full trailer combinations to and from the interstate system and state turnpike system from and to terminal facility sites may be granted by permit upon application in writing to the commissioner of the department of transportation by the terminal facility operator or owner. Access to points of loading and unloading for household goods carriers may be granted on an individual basis by application to the department of transportation. Said approval, based on reasonably safe highways and driving conditions, may be granted for class I and class II highways, and, with concurrence of local officials, for class IV and class V highways. Access to terminals, and facilities for food, fuel, repairs, and rest may be granted upon application in writing to the commissioner of the department of transportation and to the governing body of the city or town in which the facility is located, by the terminal or facility owner or operator. Notwithstanding other provisions of law, no truck-tractor, semi-trailer, and full trailer combinations, except those with existing, valid permits on March 1, 1987, shall be

permitted to use the ways of any city or town to make partial, individual deliveries. Nothing in this section shall prohibit a terminal operator or owner from applying for permits for access to terminals, and facilities for food, fuel, repairs, and rest established after March 1, 1987.

2 Effective Date. This act shall take effect July 1, 1987.

Floor Amendment Adopted.

Senator St. Jean moved to re-refer to committee.

Adopted.

HB 641, Relative to various motor vehicle laws. No Recommendation. Senator Preston for the Committee.

Senator Preston moved to substitute Ought to Pass.

SENATOR PRESTON: This is an omnibus bill, recommended by the department of safety. It amends various motor vehicle laws in statute regarding anything from equipment to trucks and standardizes the language for licensing, provides for the appropriate administrative hearings. It conforms with some federal regulations, as far as safety devices. It exempts motorcycles from certain requirements that cars are supposed to have. It addresses modification of automobiles that would be unsafe. It is going to end up in the committee of conference, but it addresses many of the concerns of the department of safety. I would urge passage and I would like the Senators to know that there will be three floor amendments on this bill that I will explain as they come out and I've assured the Senators that the conferees will address the concerns that they had in this bill.

SENATOR BOND: Senator Preston, do any of the floor amendments change the weight of the trucks from last session?

SENATOR PRESTON: We increased the truck weights in the last session, as you know, Senator. To my knowledge, the only thing in this bill are that the fees that had a ceiling before of 80,000 lbs. will now be addressing the limit weight we put off on heavier trucks last session, so, that the fees will be applicable to all the weights. It does not change the maximum weights of trucks, Senator.

Adopted.

Senator Preston offered a floor amendment.

SENATOR PRESTON: The floor amendment that is now being passed out will authorize the issuance of handicapped plates to organizations who are now engaged in the business involving the care, treatment, rehabilitation or transportation of persons with walking disabilities.

#### Floor Amendment to HB 641

Amend section 16 of the bill by replacing it with the following:

16 Special Plates and Cards; Walking Disabled Persons. RSA 261:88 is repealed and reenacted to read as follows:

261:88 Walking Disability Plates and Cards.

I. The director shall design and issue, with the approval of commissioner, special number plates and shall make available such plates as an optional number plate to be used on motor vehicles:

(a) Owned by a person with a walking disability; or

(b) Owned by a relative of a person with a walking disability who is a resident of this state and on whom the walking-disabled person is dependent as his primary means of transportation; or

(c) Owned by an organization in the private or public sector that is primarily engaged in a business in this state involving care, treatment, rehabilitation, or transportation of persons with walking disabilities.

An applicant for such special plates shall furnish the director with satisfactory proof that he meets the requirements of subparagraphs (a), (b), or (c) of this paragraph. Upon request and for a fee of \$1.50 per plate, the director shall exchange such special plates for regular plates currently issued to an applicant who qualifies for special plates.

II. The director shall design and issue, with approval of the commissioner, vanity number plates to be used on motor vehicles owned by persons qualified to receive special number plates under paragraph I. The vanity number plates shall be of such design and shall bear such letters or letters and numbers as the director shall prescribe, provided that the plates shall incorporate the international accessibility symbol and that there shall be no duplication of identification. The vanity number plates shall be issued only upon application and upon payment of the special fee established in RSA 261:89. All special fees collected under this section shall be distributed as provided in RSA 261:89.

III. Upon application the department shall furnish without charge a card to a person with a walking disability who furnishes satisfactory proof of such disability to the director. Persons with temporary walking disabilities shall be issued a card only. This card may be attached to the visor or otherwise of a motor vehicle so that it may be read through the windshield when such motor vehicle is parked. Such card shall be issued in lieu of special plates if the applicant with a walking disability is not the owner of a motor vehicle or is not a relative of the owner of a motor vehicle who qualifies for special plates under paragraph I or does not have a license to drive a motor vehicle. The director shall determine the design of such card; provided, however, that said design shall incorporate the international accessibility symbol. Such card shall be renewed upon certification by the holder of such card, on a form provided by the director, that the disability which necessitated it continues.

IV. If the police of a town or city find that such special plate or card is being improperly used they may report to the department any such violation and the director may, in his discretion, revoke said privilege.

Amend the bill by replacing all after section 20 with the following:

21 Tires; Interstate and Defense Highway System. Amend RSA 266:18, I(a) to read as follows:

(a) [600 pounds per inch of width of tire.] The manufacturer's load rating for the tires.

22 Tires; Non-interstate and General Highway System. Amend RSA 266:18-a, I(a) to read as follows:

(a) [600 pounds per inch of width of tire.] The manufacturer's load rating for the tires.

23 Tires; Vehicles with Additional Registration. Amend RSA 266:18-b, I to read as follows:

I. [Maximum tire and axle gross weights allowable: 600 pounds per inch of width of tire.] The maximum gross weights allowable for tires shall be the manufacturer's load rating for the tire.

24 Effective Date. This act shall take effect 60 days after its passage.

Floor Amendment Adopted.

Senator Preston offered a floor amendment.

SENATOR PRESTON: This amendment that is before you now adds the language of seeing eye dogs in with the hearing ear dogs in the RSA. It provides definitions for the blind and visually impaired person and for the seeing eye dog trainer. It simply adds the seeing eye dog visually impaired or blind individual and the seeing dog trainer into the language with the hearing ear dog, the deaf or hearing impaired and hearing ear dog trainer.

#### Floor Amendment to HB 641

Amend the bill by replacing all after section 23 with the following:

24 Chapter Title; Seeing Eye Dogs. Amend the title of chapter 167-D to read as follows:

#### HEARING EAR DOGS AND SEEING EYE DOGS

25 New Paragraphs; Definitions. Amend 167-D:1 by inserting after paragraph V the following new paragraphs:

VI. "Blind or visually impaired person" means any person whose vision is so severely impaired that he is unable to see adequately, and who must rely primarily on supportive devices such as a white cane, or on Braille symbols.

VII. "Seeing eye dog trainer" means any person who is employed by an organization generally recognized by agencies involved in the rehabilitation of blind and visually impaired as reputable and competent to provide dogs with training, and who is actually involved in the training process.

26 Seeing Eye Dogs. Amend RSA 167-D:3-8 to read as follows:

167-D:3 Dogs May Accompany. It is lawful for any hearing ear dog or seeing eye dog to accompany his deaf or hearing impaired or blind or visually impaired master into any public facility, housing accommodation, or place of public accommodation to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

167-D:4 Hearing Ear Dog or Seeing Eye Dog Trainer. A hearing ear dog or seeing eye dog trainer, while engaged in the actual training process and activities of [hearing ear] such dogs, shall have the same rights and privileges with respect to access to public facilities, and the same responsibilities as are applicable to a deaf or hearing impaired or blind or visually impaired person.



167-D:5 Hearing Ear Dog or Seeing Eye Dog Identified. Any deaf or hearing impaired or blind or visually impaired person using a hearing ear dog or seeing eye dog shall provide the dog with a bright yellow leash and harness.

167-D:6 Licensing. Hearing ear dogs and seeing eye dogs shall be licensed as provided in RSA 466.

167-D:7 Prohibited Acts.

I. It is unlawful for a person, directly or indirectly, either to prohibit, hinder, or interfere with a [deaf or] visually or hearing impaired master who otherwise complies with the limitations applicable to persons with normal hearing[.] or sight.

II. It is unlawful for any person to fit a dog with a collar, leash, or harness of the type which represents that the dog is a hearing ear dog or seeing eye dog, if in fact said dog is not and to thus use the dog to misrepresent the physical status of said person.

167-D:8 Nonuse of a Hearing Ear Dog or Seeing Eye Dog. A deaf or hearing impaired or blind or visually or person not using a guide dog in any of the places, accommodations or conveyances listed in RSA 167-D shall have all of the rights and privileges conferred by law upon other persons; and the failure of a deaf or hearing impaired or blind or visually impaired person to use a hearing ear dog or seeing eye dog in those places, accommodations or conveyances shall not be held to constitute nor be evidence of contributory negligence.

27 Effective Date. This act shall take effect 60 days after its passage.

Floor Amendment Adopted.

Senator Preston offered a floor amendment.

SENATOR PRESTON: The amendment that has just been passed out pertains to motor vehicle registration fees for those communities where the automobile owners can now walk into a town office, particularly, or a city hall and obtain license plates. Now, in the smaller communities they have recently started giving out the plates instead of just paying a town tax. It is a great convenience to the people. It saves them traveling in distance of maybe round trip 50 miles to register their vehicles. It was customarily a charge of \$1.50 for this. This just increases the fee to \$2.50. That either goes to the community if the individual is on salary or to the person based on the fee set up they have in the communities. It is a real inconven-



ience, but it's also that the towns and cities are now providing storage for plates and everything, so this increases that fee from \$1.50 to \$2.50.

#### Floor Amendment to HB 641

Amend the bill by replacing all after section 26 with the following:

27 Motor Vehicle Registration Fees; Additional Fees Charged by Municipal Agents. Amend RSA 261:74-d to read as follows:

261:74-d Additional Fees Charged by Agents. Each registration agent shall charge an applicant [~~\$1.50~~] \$2.50 in addition to the fees otherwise required to issue, renew or transfer a motor vehicle registration. This fee shall be retained either by the municipality if the registration agent receiving the fee is on salary to the municipality, or by the agent himself if he is not on salary to the municipality but is paid on a fee basis.

28 Effective Date. This act shall take effect 60 days after its passage.

Floor Amendment Adopted.

Senator Dupont offered a floor amendment.

SENATOR DUPONT: The amendment you have in front of you would be added on to the existing three amendments that we have already passed. Very simply, what it does it does not increase the weight or anything relative to the maximum allowable on the highways of the State of New Hampshire. When we passed the truck weights bill last session, we didn't address a problem that everybody felt would be created by that bill and what it specifically deals with is trucks that use the highways of the State of New Hampshire that carry gravel and other items that dump. What basically has happened is, in order for these trucks to have the axle length sufficiently apart to be able to comply with even the middle of the new truck weights, they have to extend the length of the trailer so long that they become unstable when they dump and there has been a number of incidents that have happened as a result of that. Basically, what we are asking the commissioner of transportation to do under this bill is waive the requirement on length if he determines that these vehicles will still be safe to operate on the State highways in New Hampshire. It is discretionary. He does not have to do it if he

doesn't see necessary, but there has been a problem created by the passage of the bill and this will give him the discretion to, hopefully, address the problem.

#### Floor Amendment to HB 641

Amend the bill by replacing all after section 27 with the following:

28 New Section; Motor Vehicles; Truck Axle Length Limit; Waiver. Amend RSA 266 by inserting after section 24 the following new section:

266:24-a Truck Axle Length; Waiver. Notwithstanding any other provision of this subdivision, the commissioner of transportation shall have authority to waive the maximum lengths between axles of trucks provided for under this subdivision when the commissioner finds that such waiver will not adversely affect the safety of the users of the state's interstate, defense, non-interstate, and general highway system.

29 Effective Date. This act shall take effect 60 days after its passage.

Floor Amendment Adopted. Ordered to Third Reading.

#### ENROLLED BILL REPORT

HB 366, Making supplemental appropriations to the University of New Hampshire cooperative extension services, and to the board of veterinary medical examiners.

SB 43, Relative to regional banking.

SB 99, Establishing a study committee to determine whether the department of transportation has fully implemented the legislative directives of the general court.

SB 103, Relative to motor vehicle license examinations.

SB 133, Relative to immunizing children.

SB 195, Relative to nonprofit housing projects and the Senior Citizens Housing Development Corporation of Claremont, Inc.

HB 24, To extend the deadline for the joint committee on recodification of the water laws to submit its report to the general court.

HB 186, Relative to the appointment and terms of alternates for certain municipal offices.

HB 193 Relative to liquor store relocation and making an appropriation therefor.

HB 204, Requiring supervisors of the checklist in the New England states to be notified when a voter is added to a checklist in New Hampshire.

HB 232, Relative to the homestead exemption for disabled veterans.

HB 319, Making an appropriation for use in the prevention and treatment of alcohol and drug abuse and the rehabilitation of drug users and making an appropriation to the catastrophic illness fund.

HB 325, Relative to the distribution of sweepstakes revenues.

HB 339, Relative to lead paint abatement.

HB 407, Amending the way in which the town of Londonderry shall collect its taxes for fiscal years 1987-1994.

HB 438, Relative to applicants for armed security guard and armed private detective licenses.

HB 541, Relative to developmentally disabled persons.

HB 547, Relative to medicaid fraud and patient abuse.

HB 591, Relative to the retention of state election ballots.

HB 660, Relative to information services at highway rest areas and appropriating fees for these services.

HB 683, Relative to state employee benefits.

HB 698, Requiring accessible polling places and voting booths for physically disabled and elderly persons.

HB 724, Relative to the transfer of 57 acres of Rye Harbor state park to the department of fish and game for wildlife management.

#### ENROLLED BILL AMENDMENTS

HB 717, Relative to membership on planning boards.

Senator Chandler: This amendment corrects a typographical error in the bill, so that new language is italicized.

Amend the bill by replacing lines 3 and 4 on page 1 with the following:

(a) The mayor of the city or town, or with the approval of the local legislative body his designee, who shall be an ex officio member;

Adopted.

HB 679-FN, Relative to buyers of farm products and distribution of funds to agricultural fairs, and making an appropriation to the secretary of state for a central indexing system for security interests in farm product.

SENATOR CHANDLER: This amendment corrects a transposition of words, a subparagraph reference, and typographical errors.

Amend the bill by replacing lines 23, 24 and 25 on page 6 with the following:

cost and expense of each agricultural fair receiving a distribution, audit all accounts of fairs receiving money under the provisions of this subdivision, and the report of each such audit, when completed, shall be submitted to the

Amend the bill by replacing line 5 on page 7 with the following:

records and papers required by this subdivision and follow such approved

Amend the bill by replacing line 16 on page 7 with the following:

I. RSA 284:23, II(b) relative to harness horse races or meets,

Amend the bill by replacing line 12 on page 8 with the following:

his warrant for said sums out of any money in the treasury not otherwise

Adopted.

HB 578-FN, Relative to unemployment compensation.

SENATOR CHANDLER: The enrolled bill amendment shows the change in word order from existing law.

Amend the bill by replacing line 7 on page 7 with the following:

recent employer shall [be] immediately be relieved of charges where benefits are

Adopted.

HB 284-FN-A, Making an appropriation for a conference on day care.

SENATOR CHANDLER: This EBA corrects 2 typographical errors in the bill.

Amend the bill by replacing line 8 on page 1 with the following:

2 Appropriation. The sum of \$5,000 for the biennium ending June 30,

Amend the bill by replacing line 11 on page 1 with the following:

this act. The governor is authorized to draw his warrant for said sum out

Adopted.

HB 155-FN, Relative to sunset review of the board of education - food and nutrition.

SENATOR CHANDLER: This amendment corrects a typographical error in section 1 of the bill.

Amend the bill by replacing line 4 on page 1 with the following:

1993, subject to RSA 17-G.

Adopted.

HB 117-FN, Relative to sunset review of board of medicine.

SENATOR CHANDLER: This enrolled bill amendment corrects a typographical error.

Amend the bill by replacing line 3 on page 1 with the following:

agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

Adopted.

HB 62, Relative to establishing salaries of county officers.

SENATOR CHANDLER: This enrolled bill amendment deletes a reference to an RSA provision, relating to the Merrimack county sheriff, which was repealed in 1982.

Amend the bill by replacing lines 2-4 on page 2 with the following:

a lesser amount than that which was in effect December 31, 1972 [; provided, that the salary of the Merrimack county sheriff be set as provided in RSA 104:29, X].

Adopted.

HB 579-FN, Relative to combining the Peterborough and Jaffrey district courts and providing for the tenure of justices when judicial districts are combined.

SENATOR CHANDLER: This amendment shows the deletion of a word from current law omitted from the bill and corrects a statutory reference.

Amend the bill by replacing line 9 on page 2 with the following:

be located in [said] Jaffrey or Peterborough, holding sessions regularly

Amend the bill by replacing line 14 on page 2 with the following:

Following Consolidation of Districts. Amend RSA 502-A by inserting after

Adopted.

HB 420, Restricting power boats on Hermit Lake in the town of Sanbornton and requiring the division of safety services to make a study and hold a hearing relative to boating on Lake Pemigewasset in the towns of New Hampton and Meredith.

SENATOR CHANDLER: This amendment renumbers an RSA section to avoid duplicating the numbering of other new RSA sections already inserted by HB 31 and HB 306. The amendment also corrects a reference and inserts a contingency authorizing the director of legislative services to make technical numbering corrections as necessary, depending on which bills inserting new sections into RSA 486 become law.

Amend the bill by replacing lines 2 and 3 on page 1 with the following:

30 the following new section.



486:31 Hermit Lake. No person shall use or operate any power boat

Amend the bill by replacing lines 3-6 on page 2 with the following:

development, recreation and environment on or before December 1, 1987.

3 Contingency; Renumbering. If HB 306, "An Act limiting the horsepower of boat motors on Marchs Pond and Chalk Pond in the town of New Durham and prohibiting the use of jet skis on said ponds and on Pine River pond in the town of Wakefield" does not become law, RSA 486:31 as inserted by section 1 of this act shall be renumbered to read as RSA 486:29. If any other act of the 1987 regular session of the general court containing amendments to RSA 486 which insert any new sections into the chapter become law, the director of legislative services is authorized to make any technical changes to the numbering in any bill sections or RSA sections inserted by such act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon the printing of the 1987 session laws.

4 Effective Date.

I. Section 1 of this act shall take effect January 1, 1988.

II. The remainder of this act shall take effect upon its passage.

Adopted.

HB 306, Limiting the horsepower of boat motors on Marchs Pond and Chalk Pond in the town of New Durham and prohibiting the use of jet skis on said ponds and on Pine River Pond in the town of Wakefield.

SENATOR CHANDLER: This amendment renumbers 2 RSA sections to avoid duplicating the numbering of RSA sections already inserted by HB 31.

Amend the bill by replacing lines 2 and 3 on page 1 with the following:

RSA 486 by inserting after section 28 the following new sections:

486:29 Marchs Pond and Chalk Pond.

Amend the bill by replacing line 13 on page 1 with the following:

486:30 Pine River Pond.

Adopted.

HB 281-FN, Establishing a study committee on teacher shortages and salaries.

SENATOR CHANDLER: This amendment corrects a typographical error.

Amend the bill by replacing line 4 on page 2 with the following:

the commissioner of education. The members of the committee shall

Adopted.

HB 153-FN, Relative to sunset review of the board of education - financial aids.

SENATOR CHANDLER: This bill corrects a typographical error in section 1 of the bill.

Amend the bill by replacing line 5 on page 1 with the following:

1993, subject to RSA 17-G.

Adopted.

HB 668-FN, Relative to the tax exemption for qualifying small power production facilities and qualifying cogeneration facilities.

SENATOR CHANDLER: This amendment corrects inconsistent terminology used in the bill.

Amend the bill by replacing line 6 on page 1 with the following:

small power production facility or qualifying cogeneration facility which elects

Adopted.

HB 682-FN, Establishing a procedure for enforcing the payment of parking fines.

SENATOR CHANDLER: This amendment corrects a typographical error in a citation.

Amend the bill by replacing line 19 on page 2 with the following:

records required by RSA 231:130-a, I(a), in order that such records may be

Adopted.

HB 154-FN, Relative to sunset review of the board of education - special services.

SENATOR CHANDLER: This bill corrects a typographical error in section 1 of the bill.

Amend the bill by replacing line 4 on page 1 with the following:

17-G. The agency or program shall terminate on July 1, 1993, subject to

Adopted.

## HOUSE MESSAGES

### HOUSE CONCURS WITH SENATE AMENDMENTS

HB 90, Relative to membership on the New Hampshire automated information systems boards.

HB 319-FN-A, Establishing a premium upon the sale of alcoholic beverages for use in the prevention and treatment of alcohol and drug abuse and the rehabilitation of drug abusers and making an appropriation for the alcohol and drug abuse prevention committee.

HB 402, Relative to habitual offenders.

HB 439, Relative to child passenger restraints.

HB 492, Relative to motor vehicle certificates of origin, joint ownership, and fraud.

HB 703-FN, Relative to the board of auctioneers.

HB 666-FN, Relative to medical insurance payments for incarcerated persons.

HB 723-FN, Relative to licensing nondepository first mortgage bankers and brokers and relative to second mortgage home loans.

HB 608-FN, Relative to pooled risk management programs.

HB 613-FN, Relating to security deposits of insurance companies.

HB 22, Relative to methods of hunting and possession of deer and moose and illegal night hunting.

HB 91-FN-A, Establishing a state liquor store in the town of Londonderry and making an appropriation therefor.

HB 220-FN, Relative to the removal of petroleum powered vehicles from surface waters of the state.

HB 421, Permitting the appointment of alternate members to conservation commissions and clarifying the authority of conservation commissions to spend funds and appropriated to them.

HB 540-FN, Relative to bingo and lucky 7 licenses.

HB 238-FN-A, Relative to establishing a memorial to Christa McAuliffe and making an appropriation therefor.

HB 264, Relative to the composition of the court accreditation commission.

HB 379-FN, Relative to public land preservation.

HB 122-FN, Relative to sunset review of board of psychologists.

HB 693-FN, Relative to determining membership in the New Hampshire retirement system.

HB 650-FN, Directing the supreme court to establish a guardian ad litem compensation fund and relative to retired superior court justices.

HB 701-FN, Relative to the fee charged for copies of checklists.

HB 123-FN, Relative to sunset review of public employee labor relations board.

HB 163-FN, Relative to sunset review of boxing and wrestling commission.

HB 671-FN, Relative to disability benefits for firefighters.

HB 105-FN, Relative to sunset review of legislative services.

HB 357-FN-A, Relative to respite care in area agencies and making an appropriation therefor.

HB 326-FN-A, Establishing homemaker services for certain persons and making an appropriation therefor.

HB 321-FN-A, Creating the Connecticut River resource commission and making an appropriation therefor.

HB 586-FN, Relative to mooring of boats on certain lakes in New Hampshire.

HB 260-FN-A, Providing for the reconstruction of a section of Prescott Road in the town of Raymond, and relative to the rehabilitation of the Westminster bridge on Routes 12 and 123 in the town of Walpole and making an appropriation therefor.

HCR 3, Relative to accidents involving nuclear power plants.

HB 589-FN, Relative to adjusted elderly exemptions.

HB 66-FN, Reviving the charters of Camp Tecumseh and the Webster Lake Association.

HB 597-FN, Relative to the residency requirement for the elderly, expanded elderly, and adjusted elderly property tax exemptions.

HB 718, Clarifying certain planning and zoning statutes.

HB 309-FN-A, Relative to the Nansen ski jump and making an appropriation therefor and repealing the Cannon Mountain aerial tramway fund and establishing a study committee for the state-owned ski operations.

#### HOUSE ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

SB 27, Relative to the commemorative rifle or shotgun lottery.

The Speaker appointed Reps: Scanlan, Schofield, Perham and Theriault.

SB 178, Permitting the president of the New Hampshire Education Association to be eligible to participate in the New Hampshire retirement system.

The Speaker appointed Reps: Hawkins, McCain, Torr and Pelley.

SB 233, Relative to capital budget requests for airports in the state.

The Speaker appointed Reps: Swope, Chamberlin, Kenneth Wheeler and Levesque.

SB 229, Relative to health clubs.

The Speaker appointed Reps: Burns, Watson, Pantzer and Baker.

SB 90, Relative to amusement parks.

The Speaker appointed Reps: Buckley, Dionne, Gelinas and Rodgers.

SB 83, Relative to distributing political campaign literature at polling places on election day.

The Speaker appointed Reps: Flanagan, Holden, Leclerc and Betty Hall.

SB 62, Relative to counting absentee ballots in cities and towns which use voting machines.

The Speaker appointed Reps: Flanagan, Holden, Leclerc and Betty Hall.

SB 139, Relative to election law dates.

The Speaker appointed Reps: Flanagan, Holden, Leclerc and Betty Hall.

#### HOUSE CONCURS

SB 107-FN-A, Relative to the New Hampshire state airport system plan and making an appropriation therefor.

SB 148, Relative to procedures for distribution of certain federal funds allocated to the state.

SB 128-A, Authorizing the construction of a Keene bypass extension and making an appropriation therefor.

SB 187-FN-A, Relative to the Weeks traffic circle.

#### HOUSE NON-CONCURS

SB 112-A, Making an appropriation to the department of safety for certain capital improvements.



SB 142-FN-A, Increasing rates for shared homes and for certain residents of community living homes and making an appropriation therefor.

SB 196-FN-A, Relative to health hazards in the home and making an appropriation therefor.

SB 8, Granting counties the authority to acquire and operate public utilities.

HB 15, Relative to the placement of candidates' names on ballots.

#### TAKEN FROM THE TABLE

Senator Hough moved to take HB 370-FN-A off the table.

Adopted.

HB 370-FN-A, Relative to employment opportunity. Ought to Pass with Amendment.

SENATOR HOUGH: I now move that we adopt the committee amendment which is on page seven of the calendar numbered 39. After the adoption of that amendment, I will offer a floor amendment that has been redrafted to be consistent with the present statute, and this redraft is why we had the bill on the table for for the last hour. There are others who will speak to the committee amendment, but I support adoption of that and move that.

#### AMENDMENT TO HB 370-FN-A

Amend the bill by replacing section 6 with the following:

6 Expenditure Limitation. Sections 1.0502040501 and 1.0502040505 of HB 300 as passed by the senate contain \$284,720 and \$515,280, respectively, in general funds plus federal funds in accordance with applicable FFP percentages for each year of the biennium to fund the provisions of this act. No amounts in excess of these shall be expended for the purposes of this act nor shall such funds be transferred or expended for any other purpose.

7 Effective Date. This act shall take effect July 1, 1987.

Amendment Adopted.

Senator Hough offered a floor amendment.

SENATOR HOUGH: This amendment to HB 370 has my name on it, but there is no pride of authorship. It's simply having it redrafted and this amendment consistent with the present RSAs under section 2 has that language subject to appropriated funds, and that is the way the statute reads. Then the second sentence, that director shall annually establish, is the new line. I wish you would adopt the floor amendment.

#### Floor Amendment to HB 370-FN-A

Amend RSA 167:7, II, as inserted by section 3 of the bill by replacing it with the following:

II. The director of the division of human services of the department of health and human service may establish for the aid to families with dependent children consolidated standards of need, or consolidated standards of need except for shelter, subject to appropriated funds and applicable federal regulations. The director shall annually establish a standard of need which shall consist of 2 components: a shelter as paid component, which also establishes a maximum level of shelter, and a basic maintenance component. The shelter component and the basic maintenance component shall equal 100 percent of the poverty level as determined by using the national poverty index, established annually by the Social Security Administration.

Floor Amendment Adopted. Ordered to Third Reading.

Senator Bond moved to take HB 706-FN, off the table.

Adopted.

HB 706-FN, Increasing the per diem allowance for county delegation meetings. Ought to Pass.

SENATOR BOND: HB 706 is an act increasing the per diem allowance for county delegation meetings. It's permissive legislation. It provides for the county conventions to decide whether or not to increase their present sum to \$25.00 per day for actual attendance of meetings of the respective conventions. The bill was placed on the table at a previous session because of an amendment which turned

out to be admissable and we would like to now provide the delegates of the county conventions with their opportunity to decide what their compensation shall be.

SENATOR PRESSLY: I rise in opposition to this legislation. As you know, the county tax is a tax placed against the property tax of the citizens, and for the county of Hillsboro this is close to a \$30,000 increase. If you turn to the next page, you will see the financial impact should each county choose to do this. In the county of Hillsboro, with the size of the delegation this would be an enormous financial burden placed upon the taxpayers. I encourage the membership to vote no to this and then to render the bill inexpedient to legislate.

SENATOR HEATH: There are two reasons, really, why we should pass this piece of legislation; 1) it deals entirely with the House, and we have a tradition if we don't mess around with their bills, that they are re-districting and they don't mess around with ours, whether it is mileage or whatever. 2) this is only a permissive bill. If the delegation votes to make the raise that is permitted in here, it takes its heat, and in the next election the people have a chance to either ratify that decision or to take those members out that voted for it. It goes back to a direct democratic process, and it doesn't appropriate a single penny unless those people choose to do it and it does not have a relative heavy impact on any county, even if they all take it. Compared to the rest of the budget, there is hardly a person among us that would work a day for \$25.00, even if it's something that we enjoy doing. I would urge you to go with the motion of ought to pass.

SENATOR PRESSLY: Senator Heath, if this is no business of the Senate, why, in fact, is there current legislation on the books which requires Senate approval and Senate concurrence?

SENATOR HEATH: It is our business, in so far as any law goes through both houses into the executive branch for signature, should it pass. I don't suggest it isn't our business. I suggest that it isn't our affair, in that, it does not affect this body and it directly affects every member of that body. We have that tradition of non-violation, so that we don't get into wars between the two bodies in terms of using those pieces of legislation for punishment of the other body. I think it sets a dangerous precedent if we get in to involving that. They voted that bill through and they take that responsibility, and if they implement that bill, the portion to give them a raise, then they take their chances in the next election. So it is not something that affects

us in anyway. I would just say that we continue to grant that courtesy of noninvolvement so that we don't get into their taking and redistricting Senate districts and so on.

Adopted. Ordered to Third Reading.

Senators Podles, Pressly, Roberge, Chandler, Dupont and Nelson wished to be recorded as opposed.

## HOUSE MESSAGES

### HOUSE NON-CONCURS IN SENATE AMENDMENTS

#### REQUESTS COMMITTEE OF CONFERENCE

HB 296-FN-A, Relative to securities filing and examinations and making an appropriation therefor.

The Speaker appointed Reps: Fraser, Packard, McCain and Copenhaver.

Senator Delahunty moved to accede to the request for committee of conference.

Adopted.

The Chair appointed Senators: Delahunty, Blaisdell and Freese.

HB 345-FN-A, Relative to salaries of probate judges and the sessions of probate courts and making an appropriation therefor.

The Speaker appointed Reps: Martling, Alf Jacobson and Cahill.

Senator Bartlett moved to accede to the request for committee of conference.

Adopted.

The Chair appointed Senators: Bartlett, Podles and Nelson.

HB 126-FN, Relative to sunset review of the commission on the status of women and making certain changes relative to the commission.

The Speaker appointed Reps: Hawkins, Pelley, Schneiderat and McCain.

Senator Bond moved to accede to the request for committee of conference.

Adopted.

The Chair appointed Senators: Bond, Disnard and Pressly.

HB 201-FN, Relative to the use of the New Hampshire hospital buildings and relative to the disposal of state-owned property.

The Speaker appointed Reps: Parker, Whitcomb, Beverly Gage and Arnesen.

Senator Torr moved to accede to request for committee of conference.

Adopted.

The Chair appointed Senators: Torr, Nelson and Chandler.

HB 276-FN-A, Relative to the rate of the real estate transfer tax.

The Speaker appointed Reps: Ward, Sallada, Arnold and Blacketor.

Senator Roberge moved to accede to request for committee of conference.

Adopted.

The Chair appointed Senators: Roberge, Bartlett, Blaisdell.

HB 144-FN, Relative to the sunset review of the department of resources and economic development-bureau of off-highway recreational vehicles.

The Speaker appointed Reps: Scanlan, Perham, William Boucher and Albert Dionne.

Senator Hounsell moved to accede to request for committee of conference.

Adopted.

The Chair appointed Senators: Hounsell, Krasker and McLane.

HB 133-FN, Relative to sunset review of state liquor commission - merchandising and relative to the state liquor commission.

The Speaker appointed Reps: Phelps, Simon, McKinney and Laurion.

Senator St. Jean moved to accede to the request for committee of conference.

Adopted.

The Chair appointed Senators: St. Jean, Dupont and Preston.

HB 322-FN-A, Relative to AIDS virus and making an appropriation therefor.

The Speaker appointed Reps: Sochalski, Bates, Beverly Gage and Copenhaver.

Senator Krakser moved to accede to the request for committee of conference.

Adopted.

The Chair appointed Senators: Krakser, White and Podles.

HB 435-FN, Creating a committee to study head injuries in New Hampshire and relative to health care for the indigent.

The Speaker appointed Reps: Sochalski, Pappas, Fraser and Zis.

Senator Krakser moved to accede to the request for committee of conference.

Adopted.

The Chair appointed Senators: Krakser, Bond and White.

#### TAKEN FROM THE TABLE

Senator Johnson moved to take HB 228 off the table.

Adopted.

HB 228, Legalizing certain town and district meetings. Ought to Pass.

Adopted. Ordered to Third Reading.

Senator White moved to take HB 562-FN off the table.

Adopted.



HB 562-FN, Relative to fireworks. Ought to Pass with Amendment.

#### AMENDMENT TO HB 562-FN

Amend RSA 160-A:3 as inserted by section 4 of the bill by inserting after paragraph VII the following new paragraph:

VIII. The sale and use of toy, plastic or paper caps which contain less than 25/100's of a grain of explosive composition per cap.

Amendment Adopted.

Senator White offered a floor amendment.

SENATOR WHITE: I have an amendment to offer that was passed out earlier in the day. The number on the amendment is 2848B, which changes paragraph 6 of the bill, the effective date, so that it will take effect May 1, 1988, which will give us time to cover compliance with the federal guidelines, we hope.

SENATOR HOUNSELL: This bill, I think, is a very important bill because it does deal with fireworks and the rather dangerous side of mishandling of those. I thank Senator White for this amendment because it does bring the time frame into compliance. Colonel Benton has indicated his support of this amendment, extending the deadline. The one person who had concern about this came to Senator White and asked her for this amendment. I think there is need for this amendment and I think it helps us to protect the people of this state by being able to control who has what class of fireworks in their possession and I urge support of this floor amendment.

#### Floor Amendment to HB 562-FN

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect May 1, 1988.

Floor Amendment Adopted. Ordered to Third Reading.

Recess

Out of Recess

Senator Dupont in the chair.

#### RECONSIDERATION

Senator Krasker moved reconsideration on HB 294-FN-A which we passed.

Adopted.

HB 294-FN-A, Exempting the sale of a manufactured housing park to a tenants' association from the real estate transfer tax and requiring a manufactured housing park owner to give notice to a tenants' association before selling the park.

Senator Krasker moved reconsideration whereby we put HB 294-FN-A, on Third Reading and the bill be put on second reading at the present time.

Adopted.

Senator Krasker offered a floor amendment.

#### Floor Amendment to HB 294-FN-A

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Definitions. Amend RSA 205-A:1 by inserting after paragraph IV the following new paragraphs:

V. "Manufactured housing park owner" means the person holding title to the manufactured housing park to be sold.

VI. "Family member" includes the owner's spouse, son, daughter, mother, father, brother, sister, grandson, granddaughter, stepchildren, stepgrandchildren, or first cousins.

VII. "Final unconditional offer" means a fully executed agreement for the sale of a manufactured housing park.

2 New Subdivision; Tenants' Right to Notification Prior to Park Sale. Amend RSA 205-A by inserting after section 20 the following new subdivision:

#### Tenants' Right to Notification Prior to Park Sale

205-A:21 Notice Required Before Sale.

I. No manufactured housing park owner shall make a final unconditional acceptance of any offer for the sale or transfer of a manufactured housing park without first giving 60 days' notice to each tenant:

(a) That the owner intends to sell the manufactured housing park.

(b) Of the price, terms and conditions of an acceptable offer he has received to sell the park or the price, terms and conditions for which he intends to sell the park.

II. During the notice period required under paragraph I, the manufactured housing park owner shall consider any offer received from the tenants or a tenants' association, if any, and the owner shall negotiate in good faith with the tenants concerning a potential purchase. The notice required by paragraph I shall be served by certified mail, return receipt requested, to each tenant at their abode. A receipt from the United States Postal Service that is signed by any adult member of the household to which it was mailed, or a notation on the letter that the letter was refused by any adult member of the tenant household, or that the addressee no longer resides there, or that the letter was returned to the post office unclaimed, shall constitute a conclusive presumption that service was made in any court action in this state.

205-A:22 Penalty. The owner of a manufactured housing park who sells or transfers the park without complying with RSA 205-A:21 shall be liable to the tenants in the amount of \$10,000 or 10 percent of the amount realized by the seller after all liens on the property existing at the time of sale were satisfied. The total of damages to all tenants, in the aggregate, shall not exceed \$10,000 or 10 percent, whichever is greater, of the amount realized by the seller after all liens on the property existing at the time of sale were satisfied. Such an amount shall be shared equally by tenants who were not notified. This civil penalty shall constitute the sole and exclusive remedy for violation of RSA 205-A:21 and the failure by a park owner to comply with said section shall not affect the validity of any sale or transfer of title nor shall such non-compliance constitute grounds to set aside a sale or transfer in any court proceedings. Nothing in this section shall be deemed to permit a tenant to attach the real estate for the penalty established by this section.

205-A:23 Exceptions. Notwithstanding the provisions of RSA 205-A:21, the owner of a manufactured housing park shall not be required to give notice to the tenants if:

I. A bank, mortgage company, or any other mortgagee has foreclosed on the park and said mortgagee:

(a) Is selling the park at a foreclosure sale; or

(b) Is selling the park after having purchased the park at a foreclosure sale.

II. The sale or transfer is to a family member of the owner or to a trust, the beneficiaries of which are family members of the owner.

III. The sale or transfer is by a partnership to one or more of its partners.

IV. The conveyance of an interest in the park is incidental to the financing of such park.

V. The sale or transfer is between joint tenants or tenants in common.

VI. The sale is pursuant to eminent domain.

#### 205-A:24 Affidavit of Compliance.

I. A park owner may, as shall be appropriate under the circumstances, record in the registry of deeds of the county in which the park is located an affidavit in which the park owner certifies that:

(a) He has complied with the requirements of RSA 205-A:21.

(b) The sale or transfer of the park is exempted from this chapter pursuant to RSA 205-A:22.

II. Any party acquiring an interest in a manufactured housing park, and any and all title insurance companies and attorneys preparing, furnishing, or examining any evidence of title, shall have the absolute right to rely on the truth and accuracy of all statements appearing in such affidavit, and shall be under no obligation to inquire further as to any matter or fact relating to the park owner's compliance with the provisions of this section. It is the purpose and intention of this paragraph to preserve the marketability of title to manufactured housing parks, and, accordingly, the provisions hereof shall be liberally construed in order that all persons may rely on the record title to manufactured housing parks.

3 Effective Date. This act shall take effect upon its passage.

Floor Amendment Adopted. Ordered to Third Reading.

### HOUSE MESSAGES

#### HOUSE REQUESTS CONCURRENCE IN AMENDMENTS

SB 86-FN-A, Relative to a memorial for Governor Sherman Adams.

Senator Hounsell moved to concur.

Adopted.

SB 153-FN, Relative to planning for the long-range energy requirements of the state.

Senator Hounsell moved to concur.

Adopted.

SB 145-FN, Relative to study of the state classification system and making an appropriation therefor and directing the facilities committee to conduct a study of salaries for unclassified state employees and making an appropriation therefor.

Senator Dupont moved to concur.

Adopted.

SB 78-FN-A, Relative to benefits for a spouse upon the death of a retired group II member.

Senator Dupont moved to concur.

Adopted.

SB 63-FN-A, Acquiring land on the Connecticut River and making an appropriation therefor.

Senator Hough moved to concur.

Adopted.

SB 175-FN, Providing a cost of living increase for New Hampshire retirement system and teachers' retirement system members.

Senator Blaisdell moved to concur.

Adopted.

SB 40-FN-A, Relative to catastrophic aid, and making an appropriation therefor.

Senator Disnard moved to concur.

Adopted.

## SENATE NON-CONCURS WITH AMENDMENTS

### REQUESTS COMMITTEE OF CONFERENCE

SB 10-A, Permitting state participation in a Clean Water Act State Revolving Loan Fund.

Senator Hounsell moved non-concur, requests conference.

Adopted.

The Chair appointed Senators: Hounsell, Nelson and Delahunty.

SB 1-A, Establishing the New Hampshire land conservation investment program and making an appropriation therefor.

Senator Blaisdell moved non-concur, requests conference.

Adopted.

The Chair appointed Senators: Blaisdell, McLane and Hounsell

SB 125-FN, To appropriate funds for ocean disposal of Rye Harbor dredge material.

Senator Torr moved non-concur, requests conference.

Adopted.

The Chair appointed Senators: Torr, Krasker and White.

SB 219-FN-A, Relative to a state operated multiple DWI offender minimum security detention center and making an appropriation therefor.

Senator White moved non-concur, requests conference.

Adopted.

The Chair appointed Senators: White, Stephen and Krasker.

SB 231-FN, Relative to manufactured housing zoning.

Senator Krasker moved non-concur, requests conference.

Adopted.

The Chair appointed Senators: Krasker, Podles and St. Jean.

SB 200-FN, Permitting group II state employee members who reach age 60 to make an election for retirement benefits.

Senator Delahunty moved non-concur, requests conference.

Adopted.

The Chair appointed Senators: Delahunty, Blaisdell and Freese.



SB 180-FN-A, Relative to restoring the original state house and making an appropriation therefor.

Senator St. Jean moved to non-concur, requests conference.

Adopted.

The Chair appointed Senators: St. Jean, Dupont and Bartlett.

SB 174-FN, Establishing a committee to study retirement system benefits.

Senator Freese moved to non-concur, requests conference.

Adopted.

The Chair appointed Senators: Freese, Roberge and Bond.

SB 161-FN, Relative to state annuity benefits for group II members of the New Hampshire retirement system and making an appropriation therefor.

Senator Delahunty moved to non-concur, requests conference.

Adopted.

The Chair appointed Senators: Delahunty, Freese and Pressly.

SB 134-FN, To commission a study of an environmental risk insurance fund and making an appropriation therefore.

Senator Delahunty moved non-concur, requests conference.

Adopted.

The Chair appointed Senators: Delahunty, Bond and Roberge.

SB 130-FN-A, Relative to the trust fund for the prevention of child abuse and neglect, and making an appropriation therefor.

Senator Krasker moved to non-concur, requests conference.

Adopted.

The Chair appointed Senators: Krasker, Podles and Bond.

SB 6-FN-A, To provide 2 additional field staff and additional equipment to the division of air resources for statewide air quality monitoring and making an appropriation therefor.

Senator Freese moved to non-concur, requests conference.

Adopted.

The Chair appointed Senators: Freese, Disnard and Delahunty.

SB 75-A, Authorizing the study of the feasibility of reconstruction U.S. Route 1 from the Massachusetts line to Portsmouth, New Hampshire, to increase capacity and safety, and making an appropriation therefor.

Senator Blaisdell moved to non-concur, requests conference.

Adopted.

The Chair appointed Senators: Blaisdell, Delahunty and Dupont.

SB 212-FN-A, Increasing financial aid to certain municipalities for water treatment projects and making an appropriation therefor.

Senator Torr moved to non-concur, requests conference.

Adopted.

The Chair appointed Senators: Torr, Dupont and Nelson.

### RECONSIDERATION

Senator White moved reconsideration on HB 348-FN-A, Relative to the superintendent of the Anna Philbrook Center and making an appropriation therefor, regarding Committee of Conference report.

Adopted.

Senator White moved to accede to the request for Committee of Conference.

Adopted.

The Chair appointed Senators: White, Bond and Nelson.

### TAKEN FROM THE TABLE

Senator Hounsell moved to take HB 171 off the table.

Adopted.

HB 171, Relative to sunset review of New England interstate water pollution control commission. Ought to Pass.

SENATOR HOUNSELL: This bill was placed on the table at a time when Senator St. Jean wanted to work an amendment at the request of Bill Healey into the bill. It has come about that Director Healey hasn't had a need for this and therefor, it is all right for us to pass this, at this time. Senator McLane was prepared on a certain day to give the committee report. Believe me it is just a little bill to reinstate the New England Water Commission and nothing to do with nurses.

SENATOR MCLANE: This bill is an interstate compact. It brings quite a lot of money into the State of New Hampshire and without a federal law we couldn't get out of the interstate compact. My suggestion is that it go forward. There was no reason to lay it on the table except as a vehicle.

Adopted. Ordered to Third Reading.

Senator Hounsell moved that the rules of the Senate be so far suspended as to allow all bills to be placed on third reading and final passage, all titles be the same as adopted, and that they be passed at the present time.

Adopted.

#### Third Reading and Final Passage

HB 722, Relative to small loans.

HB 142-FN, Relative to sunset review of the fish and game department - administration and support and the fish and game department - law enforcement.

HB 225, Relative to stream reclassification of certain waters of the state.

HB 18, Authorizing the secretary of state to appoint an office supervisor when an assistant secretary of state vacancy exists.

HB 19, Relative to election laws.

HB 623, Relative to the practice of physical therapy.

HB 112-FN, Relative to sunset review of the board of chiropractic examiners.

HB 10-FN-A, Relative to state employee salaries & judicial salaries and making an appropriation therefor.

HB 700-FN, Permitting Group II members who reach age 65 to make an election for retirement benefits.

HB 103-FN, Relative to sunset review of the office of legislative services - administrative procedures division and amending the administrative procedures act.

HB 136-FN, Relative to sunset review of public utilities commission - gas pipeline carriers.

HB 465, Relative to the protection of employees who report violations of law or refuse to execute illegal directives.

HB 554-FN, To revise municipal tax sale practices and relative to adding 2 public members to the current use advisory board.

HB 599, Relative to submetering in campgrounds by master meter utility customers.

HB 446, Relative to the registration of partnerships and corporations.

HB 433, Relative to the Belknap county attorney.

HB 479, Relative to a foster parents ombudsman council.

HB 727, Relative to the right-to-know law.

HB 367-FN-A, An act establishing a study committee to examine the cooperative extension service.

HB 508, Authorizing transfer within a program appropriation unit of the department of health and human services, and providing for an increase in local medical assistance contributions.

HB 641, An act relative to various motor vehicle laws.

HB 370-FN-A, Relative to employment opportunity.

HB 706-FN, Increasing the per diem allowance for county delegation meetings.

HB 228, An act legalizing certain town and district meetings and relative to an increase in the salaries of the Conway police commissioners.

HB 562-FN, Relative to fireworks.

HB 294-FN-A, Exempting the sale of a manufactured housing park to a tenants' association from the real estate transfer tax and requiring a manufactured housing park owner to give notice to a tenants' association before selling the park.

HB 171, Relative to sunset review of New England interstate water pollution control commission.

Senator Hounsell moved that the Senate be in recess until the Call of the Chair for the sole purpose of appointing committee of conferences and accepting Enrolled Bills Reports.

Adopted.

Recess.

*Monday, May 11, 1987*

Out of Recess

Senator Bartlett in the Chair.

#### HOUSE MESSAGES

#### HOUSE NON-CONCURS

#### REQUESTS COMMITTEE OF CONFERENCE

HB 65, Restricting power boats on Lake Wicwas in the town of Meredith.

The Speaker appointed Reps: Blanchard, John Young, Maviglio and Beaton.

Senator Hounsell moved to accede.

Adopted.

The Chair appointed Senators: Hounsell, Heath and Krasker.

HB 104, Relative to sunset review of the office of state planning.

The Speaker appointed Reps: Spear, Conroy, William McCann and Woodward.

Senator Hounsell moved to accede.

Adopted.

The Chair appointed Senators: Hounsell, Dupont and Krasker.

HB 10-FN-A, Relative to state employee salaries and judicial salaries and making an appropriation therefor.

The Speaker appointed Reps: Sytek, Gross, Palumbo and Ramsay.

Senator Blaisdell moved to accede.

Adopted.

The Chair appointed Senators: Blaisdell, Hough and McLane.

HB 112-FN, Relative to sunset review of the board of chiropractic examiners.

The Speaker appointed Reps: Hawkins, McCain, Cusson and Mace.

Senator Freese moved to accede.

Adopted.

The Chair appointed Senators: Freese, Dupont and Stephen.

HB 142-FN, Relative to sunset review of the fish and game department-administration and support.

The Speaker appointed Reps: Perham, Scanlan, Jensen and Felch.

Senator Hounsell moved to accede.

Adopted.

The Chair appointed Senators: Hounsell, McLane and Krasker.

HB 152, Relative to sunset review of the board of education-administration and support.

The Speaker appointed Reps: Hounsell, Skinner, Wadsworth and Wall.

Senator Disnard moved to accede.

Adopted.

The Chair appointed Senators: Disnard, Hough and Bond.



HB 165-FN, Relative to sunset review of department of employment security and relative to appellate procedure in such departments.

The Speaker appointed Reps: Nichols, Turner, Warburton and Zajdel.

Senator Delahunty moved to accede.

Adopted.

The Chair appointed Senators: Delahunty, Blaisdell and Bond.

HB 167-FN, Relative to sunset review of the department of postsecondary vocational-technical education.

The Speaker appointed Reps: Tufts, Skinner, Walker and William Riley.

Senator Disnard moved to accede.

Adopted.

The Chair appointed Senators: Disnard, Bond and Nelson.

HB 224-FN, Establishing a study committee to ascertain the feasibility of establishing restaurants along the turnpike system where permissible.

The Speaker appointed Reps: Stewart, Haynes, Casey and Walter.

Senator Preston moved to accede.

Adopted.

The Chair appointed Senators: Preston, Torr and Hounsell.

HB 355, Relative to the assumption of local probation functions by the state and making an appropriation therefor.

The Speaker appointed Reps: Palumbo, Lozeau, Ellen-Ann Robinson and Wallner.

Senator Podles moved to accede.

Adopted.

The Chair appointed Senators: Podles, White and Nelson.

HB 433, Relative to the termination of county employees.

The Speaker appointed Reps: Adams, Roger King, Normandin and Baldizar.

Senator Freese moved to accede.

Adopted.

The Chair appointed Senators Freese, White and Heath.

HB 434, Relative to the public employee labor relations board.

The Speaker appointed Reps: Nichols, Maurice MacDonald, Flint and Blanchette.

Senator Delahunty moved to accede.

Adopted.

The Chair appointed Senators: Delahunty, Blaisdell and Roberge.

HB 479, Relative to delaying condominium conversions following certain rental increases.

The Speaker appointed Reps: Parker, Reardon, Weddle and McRae.

Senator White moved to accede.

Adopted.

The Chair appointed Senators: White, Heath and Stephen.

HB 554-FN, To revise municipal and tax sale practices.

The Speaker appointed Reps: Grodin, Bates, West and Ruth Gage.

Senator St. Jean moved to accede.

Adopted.

The Chair appointed Senators: St. Jean, Dupont and Podles.

HB 629-FN, Relative to the administration and investments of the New Hampshire retirement system.

The Speaker appointed Reps: Hawkins, Richard Campbell, Kenneth MacDonald and Richardson.

Senator Delahunty moved to accede.

Adopted.

The Chair appointed Senators: Delahunty, Freese and Blaisdell.

HB 695-FN, Relative to committal orders for persons found not guilty by reason of insanity and to involuntary admissions under limited circumstances for the developmentally impaired.

The Speaker appointed Reps: C. William Johnson, Lozeau, Hess and Dwyer.

Senator Podles moved to accede.

Adopted.

The Chair appointed Senators: Podles, White and Preston.

HB 704-FN, Relative to the safety of facilities gathering, transmitting and distributing petroleum gas.

The Speaker appointed Reps: Palumbo, Randall, Frederic Foss and Durant.

Senator Bartlett moved to accede.

Adopted.

The Chair appointed Senators: Bartlett, St. Jean and Preston.

HB 725-FN, Relative to the attorney general.

The Speaker appointed Reps: McCain, Fillion, Rosencrants and Schneiderat.

Senator Bartlett moved to accede.

Adopted.

The Chair appointed Senators: Bartlett, Dupont and Stephen.

HB 107-FN, Relative to sunset review of the department of revenue administration-community services..

The Speaker appointed Reps: Ward, Marian Harrington, Frechette and Cowenhoven.

Senator Dupont moved to non-concur.

Adopted.

HB 437, Relative to motorboat and jet ski operation.

The Speaker appointed Reps: Blair, John Young, Joyce, Beaton.

Senator Hounsell moved to non-concur.

Adopted.

SENATE NON-CONCURS WITH AMENDMENT  
REQUESTS COMMITTEE OF CONFERENCE

SB 34, Relative to the advisory budget control committee and the fiscal committee.

Senator Bartlett moved to non-concur, requests committee of conference.

Adopted.

The Chair appointed Senators: Bartlett, Dupont and Disnard.

SB 41, Relative to unclassified state employees.

Senator Freese moved non-concur, requests committee of conference.

Adopted.

The Chair appointed Senators: Freese, Stephen and Delahunty.

SB 64, Legalizing the New London-Springfield water system precinct meeting of March 18, 1986.

Senator Johnson moved non-concur, requests committee of conference.

Adopted.

The Chair appointed Johnson, Heath and Krasker.

SB 85-FN, Establishing a special environmental court within the Manchester district court.

Senator Podles moved non-concur, requests committee of conference.

Adopted.

The Chair appointed Senators: Podles, Nelson and Chandler.

SB 106, Relative to the responsibilities of the commissioner of safety.

Senator Dupont moved non-concur, requests committee of conference.

Adopted.

The Chair appointed Senators: Dupont, Freese and Disnard.

SB 176-FN-A, Changing financial disclosure requirements.

Senator St. Jean moved non-concur, requests committee of conference.

Adopted.

The Chair appointed Senators: St. Jean, Dupont and Podles.

SB 183-FN, Relative to coverage for mental or nervous conditions.

Senator Delahunty moved non-concur, requests committee of conference.

Adopted.

The Chair appointed Senators: Delahunty, Roberge and Blaisdell.

SB 192-FN, Relative to membership of the legislative fiscal committee and the legislative budget assistant and making an appropriation therefor.

Senator Bartlett moved non-concur, requests committee of conference.

Adopted.

The Chair appointed Senators: Bartlett, Dupont and Disnard.

SB 197-FN, Relative to alarm installers.

Senator Freese moved non-concur, requests committee of conference.

Adopted.

The Chair appointed Senators: Freese, Dupont and Pressly.

SB 232-FN, Relative to the board of barbering and cosmetology.

Senator Freese moved non-concur; requests committee of conference.

Adopted.

The Chair appointed Senators: Freese, Disnard and Delahunty.

### SENATE CONCURS WITH HOUSE AMENDMENTS

(see House Journal)

SB 26, Prohibiting homosexuals from adopting, being foster parents, or running day care centers.

Senator Chandler moved to concur.

Adopted.

SB 72, Relative to the industrial development authority and industrial development revenue bonds.

Senator Dupont moved to concur.

Adopted.

SB 76, Relative to records management and archives.

Senator Dupont moved to concur.

Adopted.

Recess

*Wednesday, May 13, 1987*

Out of Recess

Senator Dupont in the chair.

### ENROLLED BILLS REPORT

CACR 21, Relating to: rulemaking authority. Providing that: the general court may delegate regulatory authority to executive branch officials, but such rules may be disapproved by the general court.

SB 56, Relative to false personation of a law enforcement officer or investigator.



SB 109, Expanding the prohibition on possession of dangerous weapons by felons.

SB 138, Relative to sessions for correcting the checklist.

SB 228, Relative to disobeying a law enforcement officer.

HB 216, Making an appropriation for the driver training program.

HB 263, Establishing the arts development program and making an appropriation therefor.

HB 273, Relative to congregate services programs and making an appropriation therefor.

HB 338, Relative to the senior companions and foster grandparents programs and making an appropriation therefor.

HB 347, Relative to the dental hygienist program at the New Hampshire technical institute and making an appropriation therefor.

HB 458, Relative to the disposition of fines and forfeitures collected for violations of municipal ordinances, codes and regulations.

HB 576, Relative to workers' compensation lump sum payments and state retirement benefits.

HB 630, Relative to the reduction in benefits for group I members of the New Hampshire retirement system who retire before age 60.

HB 651, Relative to compensation of district court justices and special justices.

HB 658, Relative to the nursing scholarship program and private trade schools.

SB 80, Amending the statutory speed limit on certain highways of the state.

SB 91, Establishing a commission to evaluate the foundation aid formula.

SB 193, Reinstating certain corporate charters.

HB 66, Permitting the revival of certain corporate charters.

HB 153, Relative to sunset review of the board of education-financial aids.

HB 154, Relative to sunset review of the board of education-special services.

HB 155, Relative to sunset review of the board of education-food and nutrition.

HB 255, Dedicating a portion of the federal Wallop-Breaux funds, with state matching funds, for the establishment of boat launching access and making an appropriation therefor.

HB 281, Establishing a study committee on teacher shortages and salaries.

HB 284, Making an appropriation for a conference on day care.

HB 363, Relative to estimated tax filing requirements under the bank, franchise, and interest and dividends taxes, and creating a division of automated information system in the department of revenue administration.

HB 376, Relative to Alzheimer's disease and related disorders and making an appropriation therefor.

HB 408, Relative to establishing a uniform fine schedule for boating violations.

HB 509, Relative to boat maintenance or repair plates.

HB 552, Relative to deputy sheriffs and making an appropriation therefor.

HB 578, Relative to unemployment compensation.

HB 624, Relative to survivors' benefits of New Hampshire permanent firemen's retirement system members receiving disability retirement benefits.

HB 668, Relative to the tax exemption for qualifying small power production facilities and qualifying cogeneration facilities.

HB 679, Relative to buyers of farm products and distribution of funds to agricultural fairs, and making an appropriation to the secretary of state for a central indexing system for security interests in farm products.

HB 682, Establishing a procedure for enforcing the payment of parking fines.

HB 696, Relative to interest payment calculations under the New Hampshire retirement system and making an appropriation therefor.

HB 717, Relative to membership on planning boards.

## COMMITTEE OF CONFERENCE CHANGE

### NOTICE

SB 1-A, Establishing the New Hampshire land conservation investment program and making an appropriation therefor..

Senator Hough replaces Senator Hounsell.

## HOUSE MESSAGES

### HOUSE ACCEDES TO COMMITTEE OF CONFERENCE

SB 106, Relative to the responsibilities of the commissioner of safety.

The Speaker appointed Reps: Hawkins, McCain, A. Torr and Pelley.

SB 197-FN, Relative to alarm installers.

The Speaker appointed Reps: McCain, Hawkins, Mace and Cusson.

SB 232-FN, Relative to the board of barbering and cosmetology.

The Speaker appointed Reps: McCain, Cusson, Mace and A. Torr.

SB 41, Relative to unclassified state employees.

The Speaker appointed Reps: Hawkins, McCain, A. Torr and Pelley.

SB 85-FN, Establishing a special environmental court within the Manchester district court.

The Speaker appointed Reps: T. Gage, Lown, Moore and Dwyer.

SB 34, Relative to the advisory budget control committee and the fiscal committee.

The Speaker appointed Reps: Palumbo, H. Burns, B. Gage and Bourque.

SB 192-FN, Relative to membership of the legislative fiscal committee and the legislative budget assistant and making an appropriation therefor.

The Speaker appointed Reps: Palumbo, H. Burns, B. Gage and Densmore.

SB 176-FN-A, Changing financial disclosure requirements.

The Speaker appointed Reps: Palumbo, H. Burns, B. Gage and Bourque.

SB 64, Legalizing the New London-Springfield water system precinct meeting of March 18, 1986.

The Speaker appointed Reps: E. Mann, Perry, Golden and Ruth Gage.

SB 183-FN, Relative to coverage for mental or nervous conditions.

The Speaker appointed Reps: S. Townsend, P. Foss, Lindblade and Price.

SB 10-A, Permitting state participation in a Clean Water Act State Revolving Loan Fund.

The Speaker appointed Reps: Woodward, Cid, L. Smith and Vaughn.

SB 1-A, Establishing the New Hampshire land conservation investment program and making an appropriation therefor.

The Speaker appointed Reps: Hager, E. Greene, H. Townsend and Matson.

SB 125-FN, To appropriate funds for ocean disposal of Rye Harbor dredge material.

The Speaker appointed Reps: Elizabeth Greene, Hager, B. Gage and Sanderson.

SB 231, Relative to manufactured housing zoning.

The Speaker appointed Reps: Ezra Mann, Brungot, Perry and Normandin.

SB 180-FN-A, Relative to restoring the original state house and making an appropriation therefor.

The Speaker appointed Reps: Pearson, Marsh, Driscoll and Callaghan.

SB 174-FN, Establishing a committee to study retirement system benefits.

The Speaker appointed Reps: McCain, A. Torr, R. Campbell and Pelley.

SB 161-FN, Relative to state annuity benefits for group II members of the New Hampshire retirement system and making an appropriation therefor.

The Speaker appointed Reps: Hawkins, R. Campbell, Mace and Ramsay.

SB 134-FN, To commission a study of an environmental risk insurance fund and making an appropriation therefor.

The Speaker appointed Reps: Christy, Pantzer, P. Foss and Buckley.

SB 130-FN-A, Relative to the trust fund for the prevention of child abuse and neglect and making an appropriation therefor.

The Speaker appointed Reps: B. Gage, Hager, Bean and Wallner.

SB 6-FN-A, To provide 2 additional field staff and additional equipment to the division of air resources for statewide air quality monitoring and making an appropriation therefor.

The Speaker appointed Reps: Shriver, Bowler, E. Greene and Popov.

SB 75-A, Authorizing the study of the feasibility of reconstructing U.S. Route 1 from the Massachusetts line to Portsmouth, New Hampshire to increase capacity and safety, and making an appropriation therefor.

The Speaker appointed Reps: Pearson, Marsh, Driscoll and Callaghan.

SB 219-FN-A, Relative to a state operated multiple DWI offender minimum security detention center and making an appropriation therefor.

The Speaker appointed Reps: A. Jacobson, Lozeau, Dexter and Cote.

SB 212-FN-A, Increasing financial aid to certain municipalities for water treatment projects and making an appropriation therefor.

The Speaker appointed Reps: Woodward, T. Gage, Smith and Vaughn

SB 219-FN-A, Relative to a state operated multiple DWI offender minimum security detention center and making an appropriation therefor.

The Speaker appointed Reps: Alf Jacobson, Sytek, Dexter and Cote.

SB 200-FN, Permitting group II state employee members who reach age 60 to make an election for retirement benefits.

The Speaker appointed Reps: Hawkins, R. Campbell, Mace and Ramsay.

## HOUSE MESSAGES

### HOUSE NON-CONCURS WITH SENATE AMENDMENTS

### HOUSE REQUESTS COMMITTEE OF CONFERENCE

HB 641, Relative to various motor vehicle laws.

The Speaker appointed Reps: Hoar, G. Katsiakoris, Nelson and Haynes.

Senator Preston moved to accede.

Adopted.

The Chair appointed Senators: Preston, Johnson and Torr.

HB 727, Relative to the right-to-know law.

The Speaker appointed Reps: Chretien, Kormilas, Lown and Cote.

Senator Podles moved to accede.

Adopted.

The Chair appointed Senators: Podles, White and Nelson.

HB 508, Authorizing transfer within a program appropriation unit of the department of health and human services.



The Speaker appointed Reps: Sochalski, Butler, Bates and Copenhagenaver.

Senator Krasker moved to accede.

Adopted.

The Chair appointed Senators: Krasker, White and Podles.

#### HOUSE NON-CONCURS WITH SENATE AMENDMENT

HB 361-FN-A, Redefining references to the United States Internal Revenue Code for purposes of the business profits tax.

#### HOUSE ACCEDES TO COMMITTEE OF CONFERENCE

SB 233, Relative to capital budget requests for airports in the state.

The Speaker appointed Reps: Swope, Chamberlin, K. Wheeler and Levesque.

SB 211, Relative to a license fee for clean-up of gasoline and oil underground storage tank leaks and spills and creating a study committee.

The Speaker appointed Reps: Bardsley, Conroy, Vaughn and Spear.

#### HOUSE RE-REFERRED TO COMMITTEE

SB 224-FN, Relative to licensing estheticians.

SB 2, Mandating health insurance for alcoholism and drug dependency treatment.

SB 208, Adopting uniform commercial code article 2A-leases.

#### HOUSE NON-CONCURS

SB 222-FN, Relative to increased independence of the public utilities commission consumer advocate.

SB 50, Relative to damages from construction.

#### HOUSE CONCURS

SB 69, Enacting the uniform limited partnership act.

SB 70, Amending article 8 of the uniform commercial code.

SB 71, Adopting the uniform fraudulent transfer act.

SB 199-FN, Relative to branch banking.

#### HOUSE CONCURS WITH SENATE AMENDMENTS

HB 661-FN, Changing the name of the department of postsecondary vocational-technical education.

HB 702-FN, Relative to workers' compensation, medical and vocational, rehabilitation benefits.

HB 241-FN, Relative to workers' compensation.

HB 18, Permitting independent voters to vote in a primary and change their registration back to independent on the same day of the primary.

HB 599, Relative to submetering by master metered utility customers.

HB 446, Relative to the registration of partnerships and corporations.

HB 225, Relative to stream reclassification of certain waters of the state.

HB 19, Relative to the election laws.

HB 623, Relative to the practice of physical therapy.

HB 562, Relative to fireworks.

HB 36, Relative to alimony and property settlements and fault grounds in divorce.

HB 370-FN-A, Relative to employment opportunity.

HB 228, Legalizing certain town and district meetings.

HB 364-FN-A, Establishing an air toxics control program within the division of air resources, department of environmental services, and making an appropriation therefor.

HB 294-FN-A, Exempting the sale of a manufactured housing park to a tenants' association from the real estate transfer tax and requiring a manufactured housing park owner to give notice to a tenants' association before selling the park.

## RECONSIDERATION

Senator Bartlett moved reconsideration on HB 107, whereby we refused to accede to the request for a Committee of Conference

Adopted.

## SENATE NON-CONCURS

## REQUESTS COMMITTEE OF CONFERENCE

HB 107, Relative to sunset review of department of revenue administration-community services.

The Chair appointed Senators: Bartlett, Dupont and St. Jean.

Recess

Out of Recess

Senator Dupont in the Chair.

Senator Hounsell moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, and that when we adjourn, we adjourn until Wednesday, May 13, 1987 at 3:00 p.m.

Adopted.

## LATE SESSION

## RECONSIDERATION

Senator Hounsell moved reconsideration on naming Senator Delahunty "Rookie of the Year".

Motion Failed.

Senator Hounsell moved to adjourn.

Adopted.

Adjourned.

*Wednesday, May 13, 1987*

Senate met at 3:00 p.m.

A quorum was present.

Prayer was offered by the Reverend Dr. Vincent Fischer, Senate Chaplain.

Let Us Pray. Lord, we ought to do good today - after a nice dinner and fellowship together! It has been said; "That there is nothing like a good meal to warm the stomach and the cockles of one's heart!" Let us, therefore, with this in mind, confront the work which lies before us today. Bless Us Lord.

Amen

Senator Hounsell led the Pledge of Allegiance.

Senators Hough and Charbonneau were excused for the day.

### INTRODUCTION OF GUESTS

### ENROLLED BILLS AMENDMENTS

SB 115, Relative to marriage.

SENATOR CHANDLER: This amendment corrects a typographical error in a cross-reference.

Amend the bill by replacing line 25 on page 2 with the following:

of 3 days provided in RSA 457:26 be shortened. No time waiver shall be

Adopted.

HB 474-FN, Relative to solicitations for charitable purposes.

SENATOR CHANDLER: This amendment puts 2 transposed words in proper order, deletes an unnecessary section heading, corrects typographical errors, and corrects technical RSA terminology.

Amend the bill by replacing lines 2 and 3 on page 2 with the following:

to any religious organization which holds property for charitable or religious purposes or their integrated auxiliaries or to conventions or

Amend the bill by deleting line 16 on page 7.

Amend the bill by replacing line 1 on page 11 with the following:

additional one-year periods upon application and payment of the fee.

Amend the bill by replacing line 23 on page 11 with the following:  
person responsible for directing and supervising the conduct of the

Amend the bill by replacing line 4 on page 14 with the following:

name, prior to the solicitation. The written consent shall be signed  
by any 2

Amend the bill by replacing line 19 on page 17 with the following:

the requirements of this subdivision.

Amend the bill by replacing line 16 on page 20 with the following:

RSA 7:19-32-a or any rules adopted thereunder. No such order shall  
require the

Amend the bill by replacing lines 5 and 6 on page 21 with the follow-  
ing:

offense, except that in the case of a violation through continuing  
failure or neglect to obey said order, each day of continuance of such  
failure or neglect shall be deemed a separate offense.

Adopted.

SB 21, Relative to administrative inspection warrants.

SENATOR CHANDLER: This amendment corrects a typographical  
error.

Amend the bill by replacing line 20 on page 2 with the following:

595-B:6 Receipt for Samples; Inventory and Return. An official or

Adopted.

SB 220-FN, Relative to redemption after a tax sale.

SENATOR CHANDLER: This amendment corrects 2 typographical  
errors in section 1 of the bill.

Amend the bill by replacing line 2 on page 1 with the following:

80:32 Redemption. Any person interested in land so sold may re-  
deem the

Amend the bill by replacing line 12 on page 1 with the following:

mortgagees, if any. In case the tax collector who sold the property in Adopted.

HB 659-FN, Relative to payment of court appointed counsel and court costs in certain cases and making an appropriation therefor.

SENATOR CHANDLER: This amendments corrects the title of the bill.

Amend the title of the bill by replacing it with the following:

AN ACT

relative to payment of court appointed guardians  
and court costs in certain cases and making  
an appropriation therefor.

Adopted.

SB 67, Increasing the local share of hazardous material transportation fund fees allocated to local emergency response programs.

SENATOR CHANDLER: This bill changes the numbering of the RSA sections amended by this bill and corresponding references to those sections, to conform with changes made in HB 526-FN, establishing a department of safety, of the 1987 regular session.

Amend the bill by replacing section 1 with the following:

1 Distribution of Penalties or Fees. Amend the introductory paragraph of RSA 21-P:21 to read as follows:

21-P:21 Civil Penalties. Any person who violates any of the provisions of this subdivision, any rule adopted under this subdivision or any term or condition of a license or permit issued under this subdivision shall be subject to a civil penalty not to exceed \$5,000 for a natural person or \$25,000 for any other person. The sums obtained from the levying of civil penalties or fees under this subdivision shall be distributed at least annually in the following manner:

Amend the bill by replacing line 2 on page 2 with the following:

Transportation Penalty Fees. Amend RSA 21-P:17, I by inserting after

Amend the bill by replacing line 6 on page 2 with the following:

under RSA 21-P:21, II.



Amend the bill by replacing lines 11-12 on page 2 with the following:

act. All penalties or fees collected pursuant to RSA 21-P:16-24 on or after July 1, 1987, shall be distributed according to RSA 21-P:21 as

Amend the bill by replacing line 20 on page 2 with the following:

4 Effective Date. This act shall take effect July 1, 1987, at 12:01 a.m.

Adopted.

SB 155-FN, Relative to the toll barrier north of the Massachusetts state line on the central turnpike, southbound.

SENATOR CHANDLER: This EBA corrects a technical error in the bill.

Amend the bill by replacing lines 2 and 3 on page 1 with the following:

(17) Nashua	[89] 94	Toll barrier north of Massachusetts state line on central turnpike - south- bound	4.5
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Adopted.

#### ENROLLED BILLS REPORT

SB 71, Adopting the uniform fraudulent transfer act.

SB 172, Regulating the taking of certain wildflowers and plants in New Hampshire.

SB 187, Relative to the Weeks traffic circle.

HB 62, Relative to establishing salaries of county officers.

HB 90, Relative to membership on the New Hampshire automated information systems board.

HB 102, Relative to sunset review of office legislative services.

HB 117, Relative to sunset review of board of medicine.

HB 238, Relative to establishing a memorial to Christa McAuliffe and making an appropriation therefor.

HB 306, Limiting the horsepower of boat motors on Marchs Pond and Chalk Pond in the town of New Durham and prohibiting the use of jet skis on said ponds and on Pine River Pond in the town of Wakefield.

HB 402, Relative to habitual offenders.

HB 439, Relative to child passenger restraints.

HB 579, Relative to combining the Peterborough and Jaffrey district courts and providing for the tenure of justices when judicial districts are combined.

HB 492, Relative to motor vehicle certificates of origin, joint ownership, and fraud; and relative to motor vehicle titles and dealer bonds.

HB 597, Relative to the residency requirement for the elderly, expanded elderly, and adjusted elderly property tax exemption.

HB 613, Relating to security deposits of insurance companies.

HB 666, Relative to medical insurance payments for incarcerated persons.

HB 718, Clarifying certain planning and zoning statutes.

## COMMITTEE OF CONFERENCE CHANGE

### NOTICE

HB 65, Restricting power boats on Lake Wicwas in the town of Meredith.

Senator Preston replaces Senator Hounsell on HB 65

HB 276, Relative to the rate of the real estate transfer tax.

Senator Dupont replaces Senator Roberge on HB 276

Recess

Out of Recess

Senator Bartlett in the Chair.

## HOUSE MESSAGE

### HOUSE OVERRIDES VETO

HB 503 Relative to the regulation of existing weirs.

## GOVERNOR'S VETO MESSAGE

TO THE HONORABLE MEMBERS OF THE GENERAL COURT:

I have this day vetoed HB 503, relative to the regulation of existing weirs. I have done so subsequent to careful review of the legislation and after hearing from the New Hampshire Fish and Game Department and its Commission, who have strongly urged that the bill be vetoed.

In requesting that I veto this legislation, the Fish and Game Department indicated to me that if HB 503 were enacted, it would significantly block their efforts to continue the restoration of anadromous (spawning) fish resources in the Lamprey River. In the past, the Lamprey River has been found to be an appropriate area for such restoration endeavors.

It is the Department's position that passage of this legislation may have potentially devastating effects on the anadromous fish program now being undertaken. This program is of significant import to many sportsmen and environmentalists in the State of New Hampshire.

DATE: May 6, 1987

John H. Sununu, Governor

SENATOR HOUNSELL: I understand very well what the Governor has said in his veto message. His language of the veto message is verbatim from the message that we had from a Mr. Ted Spurr, who is employed in the Fish and Game Department. We had this same message presented to us in a joint administrative rules committee. The same message was presented to the House Fish and Game Committee and the same message was presented to the Senate Development, Recreation and Environment Committee and each time we decided that this was not a responsible reason not to pass this bill.

I'd like to read to you from the Fish and Game Commission meeting of April 22, 1987. But before I do, I want to tell you that I believe that Mr. Spurr has a personal vendetta against Mr. Collins, who is operating the one fishing weir on the Lamprey River. I say this with reluctance because I wouldn't want to bring people's names into it but I firmly believe it to be the case. This being the General Court, the People's Court, I think it's important that it is said and it is said at this time for the record. Mr. Spurr came before the joint adminis-

trative rules committee, and, in my opinion, gave a very biased, one-sided, vindictive statement as to why the rule the Department wanted to shut down this fishing weir should be adopted. When asked to explain the impact on the fishing population of the river by this activity, he was unable or unwilling to do so. It was my sense and the sense of the entire joint committee on administrative rules to disregard that and to object to that rule making. Shortly after that, because of, one of the reasons stated, because of his delivery to this committee, Mr. Spurr was suspended by the Director of Fish and Game. He was reinstated, but at the time of his suspension it was said that the Fish and Game Department was not happy in the way that he handled himself before that committee. After this bill had passed this body and after this body suspended the rules to send it back to the House so that both bodies could unanimously adopt this bill and pass it to the Governor, and on April 22, 1987, in a Fish and Game Commission meeting, Commissioner Freeman moved with Commissioner Wilder seconded, that a letter be written by Ted Spurr to the Governor, with Chairman Monson's signature, asking that he veto HB 503, because the bill is no longer acceptable to the Fish and Game Commission.

I stand here a little bit dismayed that the commission would come into a legislative process, voice its support and indeed help write the bill and then later after it's been done, ask that this same bill be vetoed. I'm amazed by that. I believe that the Governor was not given the total information on this bill. I believe that he trusted the department to give him the information and I don't believe the department was responsible in giving him the total information. I'm going to vote to override this veto, not because I don't think that John Sununu understands the need to protect the resources, but because the department that we have that should be advising him did a poor job, a one-sided, vindictive job. I would ask my colleagues to please vote yes on the motion before us.

Question: Shall the bill pass notwithstanding the veto of the Governor?

Senator Chandler requested Roll Call.

Senator Hounsell seconded:

Those in favor: Senators Bond, Hounsell, Heath, Freese, Dupont, Disnard, Roberge, Blaisdell, White, Pressly, Nelson, McLane, Poldes, Johnson, Stephen, Bartlett, St. Jean, Torr, Delahunty, Preston and Krasker.

Those opposed: Senator Chandler.

21 Yeas

1 Nay

Veto overridden.

#### COMMITTEE OF CONFERENCE REPORT ON HB 83-A

HB 83-A, An act relative to the Cornish-Windsor bridge and making an appropriation therefor.

Senator Torr moved to non-concur, requested new committee of conference.

Adopted.

The Chair appointed Senators: Torr, Chandler and Preston.

#### COMMITTEE OF CONFERENCE REPORT ON HB 145-FN

The committee of conference to which was referred House Bill 145-FN, An Act relative to sunset review of New Hampshire port authority having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

##### *Conferees on the Part of the Senate*

Sen. St. Jean, Dist. 20

Sen. Preston, Dist. 23

Sen. Podles, Dist. 16

##### *Conferees on the Part of the House*

Rep. Gordon, Ches. 5

Rep. Malcolm, Rock. 17

Rep. Sanderson, Rock. 25

Rep. Hoar, Rock. 6

Senator St. Jean moved to adopt committee report.

Adopted.

#### COMMITTEE OF CONFERENCE REPORT ON HB 45

The committee of conference to which was referred House Bill 45, An Act relative to maternity and infancy, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the House, and pass the bill as so amended:

Amend the bill by replacing all after section 1 with the following:

2 Effective Date. This act shall take effect 60 days after its passage.

*Conferees on the Part  
of the Senate*

Sen. Krasker, Dist. 24  
Sen. Bond, Dist. 1  
Sen. White, Dist. 11

*Conferees on the Part  
of the House*

Rep. Wilson, Straf. 4  
Rep. Sochalski, Rock. 23  
Rep. Sullivan, Hills. 39  
Rep. Austin, Merr. 10

Senator Krasker moved to adopt committee report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 167-FN

HB 167-FN, An Act relative to the sunset review of the department of postsecondary vocational-technical education.

Senator Disnard moved to non-concur, requested a new committee of conference.

Adopted.

The Chair appointed Senators: Disnard, Bond and Nelson

COMMITTEE OF CONFERENCE REPORT ON HB 177-FN

The committee of conference to which was referred House Bill 177-FN, An Act relative to sunset review of veterinary/medical/optometric education program and amending such program having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and



That the Senate and House each pass the bill as amended by the Senate.

*Conferees on the Part  
of the Senate*

Sen. Disnard, Dist. 8  
Sen. Nelson, Dist. 13  
Sen. Bond, Dist. 1

*Conferees on the Part  
of the House*

Rep. Tufts, Rock. 13  
Rep. Cutting, Sull. 9  
Rep. Skinner, Rock. 21  
Rep. Winn, Hills. 28

Senator Disnard moved to concur to committee report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 595

The committee of conference to which was referred House Bill 595, An Act changing the time and place for holding the first meeting of the county convention having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

*Conferees on the Part  
of the Senate*

Sen. Pressly, Dist. 12  
Sen. Johnson, Dist. 17  
Sen. Heath, Dist. 3

*Conferees on the Part  
of the House*

Rep. Normandin, Sull. 8  
Rep. Adams, Graf. 13  
Rep. King, Rock. 4  
Rep. Dykstra, Hills. 39

Senator Pressly moved to concur to committee report.

Adopted.

HOUSE MESSAGES

HOUSE ADOPTS COMMITTEE OF CONFERENCE REPORTS

SB 12, Relative to the operation of motors on Clarksville Pond in the town of Clarksville. (see House Journal)

Senator Bond moved adoption of committee report.

Adopted.

SB 233-FN, Relative to capital budget requests for airports in the state. (see House Journal)

Senator Torr moved adoption of committee report.

Adopted.

Senator Dupont moved that the Senate be in recess until the Call of the Chair for the sole purpose of appointing committee of conferences and accepting Enrolled Bills Reports.

Adopted.

Recess.

*Wednesday, May 13, 1987*

Out of Recess

#### HOUSE MESSAGE

The House is ready to meet with the Honorable Senate in Joint Convention for the purpose of a Special Bicentennial Celebration of the Constitutional Convention and an address by Pete duPont.

Recess

Out of Recess

#### ENROLLED BILLS REPORT

SB 145, Relative to study of the state classification system and directing the personnel system task force to conduct a study of salaries for unclassified state employees and judicial branch employees and making an appropriation therefor.

SB 78, Relative to benefits for a spouse upon the death of a retired group II member.

SB 115, Relative to marriage.

HB 474, Relative to solicitations for charitable purposes.

HB 163, Relative to sunset review of the boxing and wrestling commission.

HB 309, Relative to the Nansen ski jump and making an appropriation therefor and repealing the Cannon Mountain aerial tramway fund and establishing a study committee for the state-owned ski operations.

HB 530, Relative to assisted persons.

Adopted.

### HOUSE MESSAGE

#### HOUSE PASSED COMMITTEE OF CONFERENCE REPORTS

HB 45, Relative to maternity and infancy.

HB 145-FN, Relative to sunset review of New Hampshire port authority.

HB 177-FN, Relative to sunset review of veterinary/medical/optometric education program and amending such program.

HB 595, Changing the time and place for holding the first meeting of the county convention.

SB 64, Legalizing the New London-Springfield water system precinct meeting of March 18, 1986.

SB 125, To appropriate funds for ocean disposal of Rye Harbor dredge material

SB 178-FN, Permitting the president of the New Hampshire Education Association to be eligible to participate in the New Hampshire Retirement system.

SB 231-FN, Relative to manufactured housing zoning.

Senator Chandler led the Senate in Prayer.

Let Us Pray. Dear Lord, Teach us to pray - as we work hard and long to bring this session to a close! Keep us calm, cool and collected - as sometimes tempers run short - when we do not seem to be getting anywhere on making ends meet. Help us to remember who we are and what we are and that we can only do the best we can according to our several abilities! Bless us Dear Lord, and forgive us our trespasses.

Amen

### INTRODUCTION OF GUESTS

#### HOUSE MESSAGE

#### RESOLUTION

The House has passed a House Concurrent Resolution, commemorating the achievements of Doctor Hubert C. Bird.

Adopted.

### RECONSIDERATION

Senator Dupont moved reconsideration on HB 418.

Adopted.

HB 418, Relative to mutual holding companies. Re-referred to committee.

Senator Dupont moved to substitute inexpedient to legislate.

SENATOR DUPONT: Previously on HB 418 we re-referred it for action in the next year. However, in doing so, we did it past the deadline for taking that action. So, at this point in time, we need to move inexpedient to legislate on this piece of legislation. The bill is relative to mutual holding companies. It was a bill that we had in Banks that we felt we wanted to take another look at.

Motion Lost.

Committee Report Adopted.

### HOUSE NON-CONCURS WITH COMMITTEE OF CONFERENCE REPORT

### REQUESTS NEW COMMITTEE OF CONFERENCE

SB 130-FN-A, Relative to the trust fund for the prevention of child abuse and neglect and making an appropriation therefor.

The Speaker appointed Reps: Scamman, Hager, Bean and Wallner.

Senator Dupont moved to accede.

Adopted.

The Chair appointed Senators: Krasker, Podles and Bond.

### COMMITTEE OF CONFERENCE REPORT ON HB 276

HB 276, Relative to the rate of the real estate transfer tax.

Senator Dupont moved to non-concur, requested a new committee of conference.

Adopted.

The Chair appointed Senators: Dupont, Bartlett and Blaisdell.

#### COMMITTEE OF CONFERENCE REPORT ON HB 322-FN-A

The committee of conference to which was referred House Bill 322-FN-A, An Act relative to the AIDS virus and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 457:23, IV as inserted by section 3 of the bill by replacing it with the following:

IV. A statement signed by a licensed physician that both parties have undergone a blood test for the presence of an antibody or antigen to a human immunodeficiency virus as defined in RSA 141-F:2. Such statement shall not include the results of the tests. The following provisions shall apply:

(a) The provisions of RSA 141-F shall apply to all tests for the presence of an antibody or antigen to the human immunodeficiency virus conducted under this paragraph.

(b) Testing shall be performed not more than 60 days and not less than 30 days prior to the date of the filing of the notice of intention to marry as required under RSA 457:22.

(c) If a party tests serologic positive, the statement required under this paragraph shall not be issued to the town clerk by the physician until both parties have certified in writing to the physician that the test results have been disclosed to them. Both parties shall be provided with appropriate counseling.

(d) The division of public health services shall charge a fee of \$10 for each test which it performs under this paragraph.

(e) The director, division of public health services, shall adopt rules, pursuant to RSA 541-A, relative to the design and content of all forms required under this paragraph.

Amend the bill by replacing section 5 with the following:

#### 5 Appropriation.

I. The sum of \$664,763 for the biennium ending June 30, 1989, is hereby appropriated to the division of public health services, depart-

ment of health and human services, for the purposes of sections 1, 2, and 4 of this act. This appropriation shall be in addition to any other appropriation made to the division of public health services. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

II. The sum of \$275,000 for the biennium ending June 30, 1989, is hereby appropriated to the division of public health services, department of health and human services for the purposes of section 3 of this act. This appropriation shall be in addition to any other appropriation made to the division of public health services. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as7:

6 Rulemaking. Notwithstanding paragraph I of section 7 of this act, the director, division of public health services, department of health and human services, shall begin the rulemaking process for purposes of RSA 457:23, IV(e) upon the passage of this act.

7 Effective Date.

I. Section 3 of this act shall take effect on March 31, 1988.

II. The remainder of this act shall take effect upon its passage.

*Conferees on the Part  
of the Senate*

Sen. Krasker, Dist. 24  
Sen. White, Dist. 11  
Sen. Podles, Dist. 16

*Conferees on the Part  
of the House*

Rep. Durant, Hills 32  
Rep. Bates, Straf. 1  
Rep. Gage, Rock. 20  
Rep. Copenhagen, Graf. 12

Senator Krasker moved to adopt the committee report.

SENATOR WHITE: The committee of conference discussed how this bill might relate to the insurance companies' practices and the answer is that it will not affect them at all. The committee stated that the bill was not intended to affect insurance companies or their regulation by the insurance department in any manner whatsoever.

SENATOR BLAISDELL: You're saying that this would not affect the insurance industry at all?

SENATOR WHITE: Yes, that's correct.



Senators Pressly, McLane, Hough, and Blaisdell wished to be recorded as opposed.

Adopted.

#### COMMITTEE OF CONFERENCE REPORT ON HB 435-FN

The committee of conference to which was referred House Bill 435-FN, An Act creating a committee to study head injuries in New Hampshire having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 4 with the following:

5 Health Insurance Fund Advisory Council; Establishment; Intent. There is established a health insurance fund advisory council to evaluate and provide specific analysis of the benefits and costs of a program to provide medical care to those who lack sufficient resources to cover necessary medical expenses and to determine various categories and levels of eligibility for these benefits and their costs.

6 Health Insurance Fund Advisory Council; Members.

I. The health insurance fund advisory council shall consist of the following 10 members:

(a) Six members who shall be appointed by the governor. Five of such members shall be from the general public and one shall represent business and industry. The governor shall designate one such member to be the chairman of the health insurance fund advisory council.

(b) The commissioner of insurance or his designated representative.

(c) The commissioner of health and human services or his designated representative.

(d) A representative or a designee appointed by the speaker of the house of representatives.

(e) A senator or a designee appointed by the president of the senate.

II. Members of the council shall serve without compensation; provided, however, that the legislative members shall receive mileage at the legislative rate when attending to the duties of the council.

III. The department of health and human services shall provide technical and staff support to the health insurance fund advisory council.

7 Duties of Council. The council shall:

I. Evaluate various programs which would accomplish the objectives of this act. Such evaluation shall include consideration of:

(a) The number of indigent people covered.

(b) The extent of such coverage.

(c) The premium costs.

(d) The projected costs of administration.

II. Explore the feasibility of a health insurance fund program which would provide health care coverage to the indigent.

III. Submit a report detailing its findings to the governor, senate president, and speaker of the house on or before December 1, 1988. Such report shall contain any proposed legislation which the council believes would further the purposes of this act.

8 Appointments. The appointments to the health insurance fund advisory council established under sections 5 and 6 of this act shall be made within 60 days of the effective date of this act.

9 Effective Date. This act shall take effect July 1, 1987.

*Conferees on the Part  
of the Senate*

Sen. Krasker, Dist. 24

Sen. Bond, Dist. 1

Sen. White, Dist. 11

*Conferees on the Part  
of the House*

Rep. Sochalski, Rock. 23

Rep. Pappas, Hills. 37

Rep. Austin, Merr. 10

Rep. Zis, Hills. 28

Senator Krasker moved to adopt the committee report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 156-FN

The committee of conference to which was referred House Bill 156-FN, An Act relative to sunset review of the nurses registration board, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 11 with the following:

11 Effective Date.

- I. Sections 9 and 10 of this act shall take effect upon its passage.
- II. The remainder of this act shall take effect July 1, 1987.

*Conferees on the Part  
of the Senate*

Sen. Freese, Dist. 4  
Sen. Stephen, Dist. 18  
Sen. Delahunty, Dist. 22

*Conferees on the Part  
of the House*

Rep. Hawkins, Belk. 5  
Rep. McCain, Rock. 11  
Rep. Torr, Straf. 6  
Rep. Lachance, Straf.3

Senator Freese moved to adopt the committee report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 144-FN

The committee of conference to which was referred House Bill 144-FN, An Act relative to sunset review of the department of resources and economic development - bureau of off-highway recreational vehicles having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after section 2 with the following:

3 New Paragraphs; Bureau Responsibilities. Amend RSA 215-A:3 by inserting after paragraph VIII the following new paragraphs:

IX. The commissioner of the department of resources and economic development shall submit an annual report to the chairman of the fish and game committee of the house of representatives and to the chairman of the development, recreation and environment committee of the senate which details the performance of the bureau during the previous year. This report shall be submitted on or before January 15 of each year.

X. The commissioner of the department of resources and economic development shall submit an annual report to the chairman of the fish and game committee of the house of representatives and to the

chairman of the development, recreation and environment committee of the senate which details the receipts and disbursements of all grant-in-aid funds received by the bureau pursuant to RSA 215-A:23, V(a)(7) and RSA 260:61 during the previous fiscal year. This report shall be submitted on or before January 15 of each year.

4 New Paragraph; Rulemaking. Amend RSA 215-A:3-a by inserting after paragraph II the following new paragraph:

III. Complete and specific procedures relative to the distribution of and requirements for obtaining funds from the grant-in-aid program established under RSA 215-A:23, V(a)(5).

5 Bureau Impact Study. RSA 215-A:3, IV is repealed and reenacted to read as follows:

IV. The bureau shall also have the responsibility to make or participate in a continuing study on the effects of OHRV operations on erosion and other damage to the environment. If other state agencies are involved in an overall study of this nature, the bureau shall cooperate with such agencies, and maintain a record of all findings that pertain to OHRVs.

6 Environmental Study. The commissioner of the department of resources and economic development shall make a report to the general court on or before January 1, 1988, relative to the environmental study required by RSA 215-A:3, IV, and explain why this continuing study has not been made available.

7 Registration Fees. Amend RSA 215-A:23, V(a)(7) to read as follows:

(7) Three dollars of the amount collected from each individual registration fee shall be used by the bureau for its grant-in-aid program. These funds shall be kept in a separate account and shall not be used for any other purpose. No portion of these funds shall be utilized by the bureau for any purpose other than distribution pursuant to RSA 215-A:23, V(a)(5). Any unexpended balance in said account shall not lapse, but shall be carried forward to the next fiscal year.

8 New Section; Budget. Amend RSA 215-A by inserting after section 39 the following new section:

215-A:40 Operating Budget. The commissioner of the department of resources and economic development shall ensure that all sources of funding of the bureau of off highway recreational vehicles are reflected in the operating budget documents submitted by the department.

9 Definitions. Amend RSA 188-F:23, I to read as follows:

I. "Police officer" means any appointed or elected employee of a police department or any appointed employee of a sheriff's department, the fish and game department, the bureau of off-highway recreational vehicles, department of resources and economic development, the department of safety, or any special agent appointed by the state liquor commission which is administered by the state or any of its political subdivisions and who is responsible for the prevention, detection or prosecution of crime or the enforcement of the penal, traffic, highway, boating, liquor, [or] bingo and lucky 7, or off-highway recreational vehicles laws of this state or any of its political subdivisions.

I-a. Notwithstanding the provisions of RSA 188-F:23, I, an employee of the bureau of off-highway recreational vehicles, department of resources and economic development, shall not be construed to be a permanent policeman for purpose of membership in group II of the retirement system.

10 New Paragraph; Training Required. Amend RSA 188-F:27 by inserting after paragraph VII the following new paragraph:

VIII. Any department of resource and economic development, bureau of off-highway recreational vehicles employee who has the power to enforce the provisions of RSA 215-A and criminal laws under RSA 594 shall not be required to meet the requirements of paragraphs I and II; however any bureau of off-highway recreational vehicles officer serving as a forest and park patrol officer shall complete such limited programs as may be prescribed by rule adopted under RSA 541-A by the police standards and training council under this section. All bureau of off-highway recreational vehicles forest and park patrol officers serving under appointment as of January 1, 1987, shall not be required to take training in excess of 80 hours per year.

11 New Paragraph; Definitions. Amend RSA 100-A:1 by inserting after paragraph VII-c the following new paragraph:

VII-d. Notwithstanding the provisions of paragraph VII, no employee of the bureau of off-highway recreational vehicles, department of resources and economic development, shall be construed to be a group II member of the retirement system. 12 Incumbent Grandfathered. Notwithstanding the provisions of sections 9 and 11 of this act, the incumbent chief supervisor of the bureau of off-highway recreational vehicles, shall remain in the classification of the retirement system of which he is a member on the effective date of this act.



13 Definitions; Remove References to OHRV. Amend RSA 188-F:23, I to read as follows:

I. "Police officer" means any appointed or elected employee of a police department or any appointed employee of a sheriff's department, the fish and game department, [the bureau of off-highway recreational vehicles, department of resources and economic development,] the department of safety, or any special agent appointed by the state liquor commission which is administered by the state or any of its political subdivisions and who is responsible for the prevention, detection or prosecution of crime or the enforcement of the penal, traffic, highway, boating, liquor, or bingo and lucky 7[, or off-highway recreational vehicles] laws of this state or any of its political subdivisions.

14 Repeal. RSA 188-F:23, I-a and RSA 188-F:27, VIII, relative to law enforcement authority of off highway recreational vehicle forest and park patrol officers, are repealed.

15 Effective Date.

I. Sections 13 and 14 of this act shall take effect July 1, 1989.

II. The remainder of this act shall take effect upon its passage.

*Conferees on the Part  
of the Senate*

Sen. Hounsell, Dist. 2

Sen. Krasker, Dist. 24

Sen. McLane, Dist. 15

*Conferees on the Part  
of the House*

Rep. Scanlan, Graf. 11

Rep. Perham, Hills. 10

Rep. Boucher, Rock. 23

Rep. Dionne, Straf. 5

Senator Hounsell moved to adopt the committee report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 224-FN

The committee of conference to which was referred House Bill 224-FN, An Act establishing a study committee to ascertain the feasibility of establishing restaurants along the turnpike system where permissible having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the House, and pass the bill as so amended:



Amend section 1 of the bill by replacing it with the following:

1 Committee Established. There is hereby established a 7 member committee to study the feasibility of establishing restaurants along the state's turnpike system where permissible. The committee shall be composed of one member from the house public works committee, appointed by the speaker of the house of representatives; one member from the house appropriations committee, appointed by the speaker of the house of representatives; one member from the house transportation committee appointed by the speaker of the house of representatives; one member of the senate transportation committee appointed by the president of the senate; one member from the senate finance committee appointed by the president of the senate; and one representative from the department of transportation, designated by the commissioner of transportation and one member from the New Hampshire Hospitality Association appointed by the governor. The members shall choose a chairman. The committee shall investigate the various types of restaurants or food establishments which would be authorized; recommend the locations for a restaurant site which would not conflict with federal regulations; if restaurants are to be state operated, the construction costs; revenue estimates, based on vehicle tabulation data; and any other matters deemed to be relevant to the study. The legislative members shall be entitled to legislative mileage when performing duties in connection with the work of the committee. The committee shall make a report of its findings and recommendations to the speaker of the house and president of the senate no later than December 1, 1987.

*Conferees on the Part  
of the Senate*

Sen. Preston, Dist. 23  
Sen. Torr, Dist. 21  
Sen. Hounsell, Dist. 2

*Conferees on the Part  
of the House*

Rep. Stewart, Graf. 4  
Rep. Haynes, Rock. 9  
Rep. Casey, Straf. 9  
Rep. Walter, Graf. 13

Senator Preston moved to adopt the committee report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 345-FN-A

The committee of conference to which was referred House Bill 345-FN-A, An Act relative to the salaries of probate judges and the sessions of probate courts and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

*Conferees on the Part  
of the Senate*

Sen. Bartlett, Dist. 19

Sen. Podles, Dist. 16

Sen. Nelson, Dist. 13

*Conferees on the Part  
of the House*

Rep. Robinson, Straf. 4

Rep. Martling, Straf. 4

Rep. Jacobson, Merr. 2

Rep. Cahill, Merr. 21

Senator Nelson moved to adopt the committee report.

Adopted.

## HOUSE MESSAGES

### HOUSE ADOPTS COMMITTEE OF CONFERENCE REPORTS

SB 64, An act legalizing the New London-Springfield water system precinct meeting of March 18, 1986. (see House Journal)

Senator Johnson moved to concur.

Adopted.

SB 125-FN, To appropriate funds for ocean disposal of Rye Harbor dredge material. (see House Journal)

Senator Torr moved to concur.

Adopted.

SB 178, Permitting the president of the New Hampshire Education Association to be eligible to participate in the New Hampshire retirement system. (see House Journal)

Senator Disnard moved to concur.

Adopted.

SB 231, Relative to manufactured housing zoning. (see House Journal)

Senator Krasker moved to concur.

Adopted.

### HOUSE MESSAGE

#### HOUSE DISCHARGE COMMITTEE OF CONFERENCE

#### REQUESTS NEW COMMITTEE OF CONFERENCE

SB 10-A, Permitting state participation in a Clean Water Act State Revolving Loan Fund.

The Speaker appointed Reps: Woodward, Cid, Len Smith and C. Vaughn.

The Senate moved to accede to a new committee of conference.

Adopted.

The Chair appointed Senators: Hounsell, Preston and Bartlett.

Senator Dupont moved that the Senate now adjourn from the early session, and that the business of the late session be in order at the present time; and that when we adjourn, we adjourn until May 14, 1987 at 11:00 a.m.

Adopted.

### LATE SESSION

Senator Dupont moved to adjourn.

Adopted.

*Thursday, May 14, 1987*

Senate met at 11:00 a.m.

A quorum was present.

Prayer was offered by Senator Chandler.

Let Us Pray. Our Heavenly Father, doer of all good, we ask thy blessing of all those assembled here. We hope that you will guide us in our deliberations, we hope that you will straighten the House out. We ask all of this in thy Holy Name.

Senator Delahunty led the Pledge of Allegiance.

Senator Dupont moved that the Senate be in recess until Friday, May 15, 1987 at 10:00 a.m. for the sole purpose of receiving House Messages and Enrolled Bill Reports.

Adopted.

Recess.

### *Friday, May 15, 1987*

Out of Recess.

Senator Dupont moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, and that when we adjourn, we adjourn until Friday, May 15, 1987 at 10:00 a.m.

Adopted.

#### LATE SESSION

Senator Dupont moved to adjourn.

Adopted.

Adjourned.

### *Friday, May 15, 1987*

Senate met at 10:00 a.m

A quorum was present.

Prayer was offered by the Reverend Dr. Vincent Fischer, Senate Chaplain.

Let Us Pray. God of our Life and God of our Salvation, who opens the avenues of Joy and Success to those who call upon His Name. Help us in all of our endeavors in and throughout our lives wherever we may be and whatsoever we may seek. Grant Us Thy Peace.

Amen.

Senator Disnard led the Pledge of Allegiance.

## INTRODUCTION OF GUESTS

## HOUSE MESSAGE

HOUSE NON-CONCURRED WITH COMMITTEE  
OF CONFERENCE REPORT

## APPOINTED NEW COMMITTEE OF CONFERENCE

SB 130, Relative to the trust fund for the prevention of child abuse and neglect and making an appropriation therefor.

The Speaker appointed Reps: Scamman, Hager, Bean and Wallner.

## NEW CONFEREES NAMED

HB 276, Relative to the rate of the real estate transfer tax.

The Speaker appointed Reps: Ward, Kidder, Scamman and Chambers.

## ENROLLED BILLS AMENDMENTS

HB 608-FN, Relative to pooled risk management programs.

SENATOR CHANDLER: This amendment corrects 2 typographical errors.

Amend the bill by replacing line 9 on page 5 with the following:

- (a) Exist as a legal entity organized under New Hampshire law.

Amend the bill by replacing line 15 on page 6 with the following:

of the plan shall not constitute doing an insurance business for purposes of

Adopted.

SB 107-FN-A, Relative to the New Hampshire state airport system plan and making an appropriation therefor.

SENATOR CHANDLER: This amendment corrects a typographical error.

Amend the bill by replacing line 1 on page 2 with the following:

airport system plan, of which \$180,000 shall be federal funds, and \$20,000

Adopted.

SB 51, Relative to airboats, mufflers, and decibel levels of boats.

SENATOR CHANDLER: This amendment makes reference changes to make the bill consistent with HB 526, An Act establishing a department of safety, including 2 versions of RSA 270:39, one effective on passage and the other on July 1, to effect the changes made by HB 526 on the appropriate date.

Amend the bill by replacing line 25 on page 2 with the following:

paragraph, the commissioner of safety may adopt rules pursuant to RSA 541-A.

Amend the bill by replacing all after section 8 with the following:

9 Testing Procedures. Amend RSA 270:39 to read as follows:

270:39 Rulemaking Authority. The [director] commissioner of safety shall adopt rules, pursuant to RSA 541-A, relative to:

- I. Testing procedures to determine marine engine noise levels.
- II. Certification under RSA 270:38

10 Effective Date.

- I. Sections 6 and 8 of this act shall take effect upon its passage.
- II. Section 9 of this act shall take effect July 1, 1987 at 12:01 a.m.
- III. The remainder of this act shall take effect 60 days after its passage.

Adopted.

HB 700-FN, Permitting group II members who reach age 65 to make an election for retirement benefits.

SENATOR CHANDLER: This amendment corrects a typographical error.

Amend the bill by replacing line 5 on page 1 with the following:

regardless of the number of years of his creditable service, may retire



Adopted.

HB 382, Relative to boating law enforcement.

SENATOR CHANDLER: This amendment corrects a typographical error in the bill.

Amend the bill by replacing line 5 on page 2 with the following:

signals such person to stop by means of any authorized audible or visual

Adopted.

HB 159-FN, Relative to sunset review of the board of education-driver education.

SENATOR CHANDLER: Laws of 1987, chapter 124, an act establishing a department of safety, replaces RSA 106-A with RSA 21-P. This enrolled bill amendment inserts the new paragraph contained in section 3 of HB 159-FN into its corresponding place in RSA 21-P as of July 1, 1987 when the new chapter takes effect.

Amend the bill by replacing section 4 with the following:

4 New Paragraph: Uniform Certification. Amend RSA 21-P:14, I(g) to read as follows:

(g) Uniform classifications for certification of driver education instructors, including the same types of certification levels and the same qualifications required for each level for both private and public school instructors, and a system of fees for certification.

[(g)](h) Any other subject which in the judgment of the commissioners requires rulemaking to promote the effectiveness of driver education courses.

5 Effective Date.

I. Section 4 of this act shall take effect July 1, 1987, at 12:01 a.m.

II. The remainder of this act shall take effect upon its passage.

Adopted.

HB 722, Relative to small loans.

SENATOR CHANDLER: The amendment corrects typographical errors.

Amend the bill replacing line 1 on page 3 with the following:

4 Scope. Amend RSA 399-A:3, VI to read as follows:

Amend the bill by replacing lines 24-25 on page 3 with the following:

such loan and ending with the date of payment of [the] such loan in full shall not exceed one percent per month simple interest on the

Amend the bill by deleting line 20 on page 6.

Adopted.

### COMMITTEE OF CONFERENCE REPORT ON HB 10-A

The committee of conference to which was referred House Bill 10-A, An Act relative to state employee salaries and judicial salaries and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 3 with the following:

4 Unclassified Salaries; September 11, 1987. RSA 94:1-a, I and II are repealed and reenacted to read as follows:

I. The salary ranges for the positions set forth in the following groups shall be as follows commencing on September 11, 1987:

Group I \$19,441 - \$29,144

Executive director, real estate commission

Director, veterans' council

Group J \$22,670 - \$32,378

Deputy director - state committee on aging

Assistant secretary of state

Executive assistant, adult parole board

State archivist

Assistant to the commissioner of the department of resources and economic development

Criminal justice investigators

Consumer protection investigators

Group K \$25,895 - \$35,624

Assistant state treasurer

Director, state committee on aging  
Assistant to the director of motor vehicles  
State fire marshal  
Director of administration, department of corrections  
Director, police standards and training council  
Education and training officer  
Senior industrial agents  
Deputy labor commissioner  
Administrative assistant to chief justice of superior court  
Executive director, governor's commission for the handicapped  
Director, division of the arts  
Director, division of historical resources

Group L \$29,147 - \$38,855

Assistant insurance commissioner  
Coordinator of highway safety  
State veterinarian  
Board of tax and land appeals, members  
Coordinator of judicial and public education and information  
Field audit team leader (6)  
Director of safety services  
Director, port authority  
Executive director, postsecondary education commission  
Executive secretary, district and municipal courts administrative services

Unit director (non-medical), New Hampshire hospital  
Unit director (non-medical), secure psychiatric unit

Group M \$32,381 - \$42,089

Superintendent, Glencliff home  
Commandant, veterans' home  
Assistant attorneys-general  
Director, office of alcohol and drug abuse prevention  
Executive secretary, N.H. retirement system  
Counsel, department of employment security  
Counsel, public utilities commission  
Director of aeronautics  
Audit team leader

Group N \$35,625 - \$45,333

Assistant superintendent for administration and support, Laconia state school  
Assistant superintendent, New Hampshire hospital  
Assistant safety commissioner  
Director of adult services/warden, department of corrections  
Commissioner of agriculture  
Labor commissioner

Deputy secretary of state  
Deputy treasurers  
Deputy insurance commissioner  
Director, division of elderly and adult services, department of health and human services  
Director, division of air resources  
Director, division of waste management  
Director, motor vehicles  
Director, state police  
Executive director, fish and game  
Director, economic development  
Director, forests and lands  
Director, parks and recreation  
Director, field services  
Director of libraries  
Assistant director, audit division  
General counsel, department of employment security  
Deputy bank commissioner  
Manager of employee relations  
Senior operational analyst  
Financial data manager  
Internal auditor  
Deputy commissioner of vocational-technical education  
President of the technical institute  
Presidents of the technical colleges  
Group O \$37,245 - \$47,766  
Adjutant general  
Commissioner, libraries, arts and historical resources  
Director, insurance examination  
Director, audit division, revenue administration  
Director, returns processing, revenue administration  
Senior assistant attorney-general  
Deputy safety commissioner  
Deputy commissioner of education  
State treasurer  
Secretary of state  
Bank commissioner  
Liquor commissioners  
Director of human services  
Director, division for children and youth services  
Executive director, sweepstakes commission  
Budget officer  
Director, division of accounting services  
Director, division of plant and property management

Director, division of water resources

Deputy commissioner of health and human services

Group P \$42,091 - \$54,230

Associate attorney general

Commissioner, corrections

Commissioner, department of employment security

Commissioner of vocational-technical education

Liquor commission, chairman

Director, personnel

Director, division of information services

Director, division of water supply and pollution control

Assistant commissioner, revenue administration

Director of administration, department of transportation

Director of operations, department of transportation

Director of public works, department of transportation

Group Q \$43,719 - \$55,863

Superintendent, Laconia state school

Superintendent, New Hampshire hospital

Senior physician/psychiatrist/dentist

Psychiatrist, secure psychiatric unit

Director of administrative services, supreme court

Clerk and court reporter, supreme court

Deputy attorney general

Director of project development, department of transportation

Group R \$45,336 - \$57,480

Assistant commissioner, department of environmental services

Unit director (medical), New Hampshire hospital

Unit director (medical) secure psychiatric unit

Group S \$46,954 - \$59,097

Commissioner, department of environmental services

Director, mental health and developmental services

Director, public health services

Assistant superintendent for professional services, Laconia state school

Assistant superintendent for professional services, New Hampshire hospital

Assistant commissioner of transportation

Group T \$60,708

Public utilities commissioners

Attorney general

Insurance commissioner

Commissioner, department of transportation

Commissioner, health and human services

Commissioner, education

Commissioner, revenue administration

Commissioner, resources and economic development

Safety commissioner

Commissioner, department of administrative services

Group U \$62,339

Chief medical examiner

Group V \$64,757

Group W \$68,005

Governor

II. The salary wages for the positions set forth below shall be as follows commencing September 11, 1987:

	<i>Minimum</i>	<i>Maximum</i>
Governor's councilors		\$ 8,093
Pari-mutuel commissioners		\$ 6,137
Sweepstakes commission, chairman		\$ 9,208
Sweepstakes commission, members		\$ 4,911
Director, charitable trusts	\$11,240	\$14,974

5 Unclassified Salaries; June 3, 1988. RSA 94:1-a, I and II are repealed and reenacted to read as follows:

I. The salary ranges for the positions set forth in the following groups shall be as follows commencing on June 3, 1988:

Group I \$20,024 - \$30,018

Executive director, real estate commission

Director, veterans' council

Group J \$23,350 - \$33,349

Deputy director - state committee on aging

Assistant secretary of state

Executive assistant, adult parole board

State archivist

Assistant to the commissioner of the department of resources and economic development

Criminal justice investigators

Consumer protection investigators

Group K \$26,672 - \$36,693

Assistant state treasurer

Director, state committee on aging

Assistant to the director of motor vehicles

State fire marshal

Director of administration, department of corrections

Director, police standards and training council

Education and training officer



- Senior industrial agents
- Deputy labor commissioner
- Administrative assistant to chief justice of superior court
- Executive director, governor's commission for the handicapped
- Director, division of the arts
- Director, division of historical resources

Group L \$30,021 - \$40,021

- Assistant insurance commissioner
- Coordinator of highway safety
- State veterinarian
- Board of tax and land appeals, members
- Coordinator of judicial and public education and information
- Field audit team leader (6)
- Director of safety services
- Director, port authority
- Executive director, postsecondary education commission
- Executive secretary, district and municipal courts administrative services

- Unit director (non-medical), New Hampshire hospital

- Unit director (non-medical), secure psychiatric unit

Group M \$33,352 - \$43,352

- Superintendent, Glenciff home
- Commandant, veterans' home
- Assistant attorneys-general
- Director, office of alcohol and drug abuse prevention
- Executive secretary, N.H. retirement system
- Counsel, department of employment security
- Counsel, public utilities commission
- Director of aeronautics
- Audit team leader

Group N \$36,694 - \$46,693

- Assistant superintendent for administration and support, Laconia state school

- Assistant superintendent, New Hampshire hospital

- Assistant safety commissioner

- Director of adult services/warden, department of corrections

- Commissioner of agriculture

- Labor commissioner

- Deputy secretary of state

- Deputy treasurers

- Deputy insurance commissioner

- Director, division of elderly and adult services, department of health and human services

- Director, division of air resources

Director, division of waste management  
Director, motor vehicles  
Director, state police  
Executive director, fish and game  
Director, economic development  
Director, forests and lands  
Director, parks and recreation  
Director, field services  
Director of libraries  
Assistant director, audit division  
General counsel, department of employment security  
Deputy bank commissioner  
Manager of employee relations  
Senior operational analyst  
Financial data manager  
Internal auditor  
Deputy commissioner of vocational-technical education  
President of the technical institute  
Presidents of the technical colleges  
Group O \$38,362 - \$49,199  
Adjutant general  
Commissioner, libraries, arts and historical resources  
Director, insurance examination  
Director, audit division, revenue administration  
Director, returns processing, revenue administration  
Senior assistant attorney-general  
Deputy safety commissioner  
Deputy commissioner of education  
State treasurer  
Secretary of state  
Bank commissioner  
Liquor commissioners  
Director of human services  
Director, division for children and youth services  
Executive director, sweepstakes commission  
Budget officer  
Director, division of accounting services  
Director, division of plant and property management  
Director, division of water resources  
Deputy commissioner of health and human services  
Group P \$43,354 - \$55,857  
Associate attorney general  
Commissioner, corrections  
Commissioner, department of employment security

- Commissioner of vocational-technical education
- Liquor commission, chairman
- Director, personnel
- Director, division of information services
- Director, division water supply and pollution control
- Assistant commissioner, revenue administration
- Director of administration, department of transportation
- Director of operations, department of transportation
- Director of public works, department of transportation

Group Q \$45,031 - \$57,539

- Superintendent, Laconia state school
- Superintendent, New Hampshire hospital
- Senior physician/psychiatrist/dentist
- Psychiatrist, secure psychiatric unit
- Director of administrative services, supreme court
- Clerk and court reporter, supreme court
- Deputy attorney general
- Director of project development, department of transportation

Group R \$46,696 - \$59,204

- Assistant commissioner, department of environmental services
- Unit director (medical), New Hampshire hospital
- Unit director (medical) secure psychiatric unit

Group S \$48,363 - \$60,870

- Commissioner, department of environmental services
- Director, mental health and developmental services
- Director, public health services
- Assistant superintendent for professional services, Laconia state school

- Assistant superintendent for professional services, New Hampshire hospital

- Assistant commissioner of transportation

Group T \$62,529

- Public utilities commissioners
- Attorney general
- Insurance commissioner
- Commissioner, department of transportation
- Commissioner, health and human services
- Commissioner, education
- Commissioner, revenue administration
- Commissioner, resources and economic development
- Safety commissioner
- Commissioner, department of administrative services

Group U \$64,209

- Chief medical examiner

Group V \$66,700

Group W \$70,045

Governor

II. The salary wages for the positions set forth below shall be as follows commencing June 3, 1988:

	<i>Minimum</i>	<i>Maximum</i>
Governor's councilors		\$ 8,335
Pari-mutuel commissioners		\$ 6,321
Sweepstakes commission, chairman		\$ 9,484
Sweepstakes commission, members		\$ 5,058
Director, charitable trusts	\$11,578	\$15,423

6 Unclassified Salaries; December 16, 1988. RSA 94:1-a, I and II are repealed and reenacted to read as follows:

I. The salary ranges for the positions set forth in the following groups shall be as follows commencing on December 16, 1988:

Group I \$20,625 - \$30,919

Executive director, real estate commission

Director, veterans' council

Group J \$24,050 - \$34,349

Deputy director - state committee on aging

Assistant secretary of state

Executive assistant, adult parole board

State archivist

Assistant to the commissioner of the department of resources and economic development

Criminal justice investigators

Consumer protection investigators

Group K \$27,472 - \$37,794

Assistant state treasurer

Director, state committee on aging

Assistant to the director of motor vehicles

State fire marshal

Director of administration, department of corrections

Director, police standards and training council

Education and training officer

Senior industrial agents

Deputy labor commissioner

Administrative assistant to chief justice of superior court

Executive director, governor's commission for the handicapped

Director, division of the arts

Director, division of historical resources

## Group L \$30,922 - \$41,222

- Assistant insurance commissioner

- Coordinator of highway safety

- State veterinarian

- Board of tax and land appeals, members

- Coordinator of judicial and public education and information

- Field audit team leader (6)

- Director of safety services

- Director, port authority

- Executive director, postsecondary education commission

- Executive secretary, district and municipal courts administrative services

- Unit director (non-medical), New Hampshire hospital

- Unit director (non-medical), secure psychiatric unit

## Group M \$34,353 - \$44,653

- Superintendent, Glenciff home

- Commandant, veterans' home

- Assistant attorneys-general

- Director, office of alcohol and drug abuse prevention

- Executive secretary, N.H. retirement system

- Counsel, department of employment security

- Counsel, public utilities commission

- Director of aeronautics

- Audit team leader

## Group N \$37,795 - \$48,094

- Assistant superintendent for administration and support, Laconia state school

- Assistant superintendent, New Hampshire hospital

- Assistant safety commissioner

- Director of adult services/warden, department of corrections

- Commissioner of agriculture

- Labor commissioner

- Deputy secretary of state

- Deputy treasurers

- Deputy insurance commissioner

- Director, division of elderly and adult services, department of health and human services

- Director, division of air resources

- Director, division of waste management

- Director, motor vehicles

- Director, state police

- Executive director, fish and game

- Director, economic development

- Director, forests and lands

Director, parks and recreation  
Director, field services  
Director of libraries  
Assistant director, audit division  
General counsel, department of employment security  
Deputy bank commissioner  
Manager of employee relations  
Senior operational analyst  
Financial data manager  
Internal auditor  
Deputy commissioner of vocational-technical education  
President of the technical institute  
Presidents of the technical colleges

Group O \$39,513 - \$50,675

Adjutant general  
Commissioner, libraries, arts and historical resources  
Director, insurance examination  
Director, audit division, revenue administration  
Director, returns processing, revenue administration  
Senior assistant attorney-general  
Deputy safety commissioner  
Deputy commissioner of education  
State treasurer  
Secretary of state  
Bank commissioner  
Liquor commissioners  
Director of human services  
Director, division for children and youth services  
Executive director, sweepstakes commission  
Budget officer  
Director, division of accounting services  
Director, division of plant and property management  
Director, division of water resources  
Deputy commissioner of health and human services

Group P \$44,655 - \$57,533

Associate attorney general  
Commissioner, corrections  
Commissioner, department of employment security  
Commissioner of vocational-technical education  
Liquor commission, chairman  
Director, personnel  
Director, division of information services  
Director, division water supply and pollution control  
Assistant commissioner, revenue administration



Director of administration, department of transportation

Director of operations, department of transportation

Director of public works, department of transportation

Group Q \$46,382 - \$59,265

Superintendent, Laconia state school

Superintendent, New Hampshire hospital

Senior physician/psychiatrist/dentist

Psychiatrist, secure psychiatric unit

Director of administrative services, supreme court

Clerk and court reporter, supreme court

Deputy attorney general

Director of project development, department of transportation

Group R \$48,097 - \$60,980

Assistant commissioner, department of environmental services

Unit director (medical), New Hampshire hospital

Unit director (medical) secure psychiatric unit

Group S \$49,814 - \$62,696

Commissioner, department of environmental services

Director, mental health and developmental services

Director, public health services

Assistant superintendent for professional services, Laconia state school

Assistant superintendent for professional services, New Hampshire hospital

Assistant commissioner of transportation

Group T \$64,405

Public utilities commissioners

Attorney general

Insurance commissioner

Commissioner, department of transportation

Commissioner, health and human services

Commissioner, education

Commissioner, revenue administration

Commissioner, resources and economic development

Safety commissioner

Commissioner, department of administrative services

Group U \$66,135

Chief medical examiner

Group V \$68,701

Group W \$72,146

Governor

II. The salary wages for the positions set forth below shall be as follows commencing December 16, 1988:

	<i>Minimum</i>	<i>Maximum</i>
Governor's councilors		\$ 8,586
Pari-mutuel commissioners		\$ 6,510
Sweepstakes commission, chairman		\$ 9,769
Sweepstakes commission, members		\$ 5,210
Director, charitable trusts	\$11,925	\$15,886

7 Classified Increases; September 11, 1987. Amend RSA 99:3 to read as follows:

99:3 Increase in Salary. Classified employees of the state as of [March 13] September 11, 1987, shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and their salaries shall be in accordance with the salary scales set forth in RSA 99:1-a. The provisions hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

8 Classified Increases; June 3, 1988. Amend RSA 99:3 to read as follows:

99:3 Increase in Salary. Classified employees of the state as of [September 11, 1987] June 3, 1988, shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and their salaries shall be in accordance with the salary scales set forth in RSA 99:1-a. The provisions hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

9 Classified Increases; December 16, 1988. Amend RSA 99:3 to read as follows:

99:3 Increase in Salary. Classified employees of the state as of [June 3] December 16, 1988, shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and their salaries shall be in accordance with the salary scales set forth in RSA 99:1-a. The provisions hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

10 Judicial Salaries; September 11, 1987. RSA 491-A:1 is repealed and reenacted to read as follows:

491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

Chief justice, supreme court	\$68,640
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Associate justices, supreme court	\$66,079
Chief justice, superior court	\$66,079
Associate justices, superior court	\$64,350
District court justices prohibited from practice pursuant to RSA 502-A:21	\$64,350
Probate judges	\$19,675

11 Judicial Salaries; June 3, 1988. RSA 491-A:1 is repealed and reenacted to read as follows:

491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

Chief justice, supreme court	\$70,699
Associate justices, supreme court	\$68,061
Chief justice, superior court	\$68,061
Associate justices, superior court	\$66,281
District court justices prohibited from practice pursuant to RSA 502-A:21	\$66,281
Probate judges	\$20,265

12 Judicial Salaries; December 16, 1988. RSA 491-A:1 is repealed and reenacted to read as follows:

491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

Chief justice, supreme court	\$72,820
Associate justices, supreme court	\$70,103
Chief justice, superior court	\$70,103
Associate justices, superior court	\$68,269
District court justices prohibited from practice pursuant to RSA 502-A:21	\$68,269
Probate judges	\$20,873

13 Judicial Employees. All judicial employees shall receive 3 percent salary increases on September 11, 1987; June 3, 1988; and December 16, 1988.

14 Legislative Employees. All legislative employees shall receive 3 percent salary increases on September 11, 1987; June 3, 1988; and December 16, 1988.

15 Appropriation for Salary Increase. The sums of \$16,472,811 in general funds, \$5,319,021 in highway funds, \$307,588 in fish and game funds, \$3,856,103 in federal funds, and \$1,315,375 in self-sustaining funds are hereby appropriated in addition to any other

sums appropriated for the fiscal years ending June 30, 1988, and June 30, 1989, for salary increases for classified, unclassified, judicial, non-classified, and legislative employees. The governor is authorized to draw his warrant for said sums out of the appropriate funds.

16 Effective Date.

I. Sections 1, 4, 7, and 10 of this act shall take effect September 11, 1987.

II. Sections 2, 5, 8, and 11 of this act shall take effect June 3, 1988.

III. Sections 3, 6, 9 and 12 of this act shall take effect December 16, 1988.

IV. Sections 13-15 of this act shall take effect July 1, 1987.

*Conferees on the Part  
of the Senate*

Sen. Blaisdell, Dist. 10

Sen. Hough, Dist. 5

Sen. McLane, Dist. 15

*Conferees on the Part  
of the House*

Rep. Sytek, Rock. 20

Rep. Gross, Merr. 16

Rep. Palumbo, Rock. 10

Rep. Ramsay, Ches. 10

Senator Blaisdell moved to adopt the committee report.

Adopted.

Senator Roberge wished to be recorded as opposed.

## COMMITTEE OF CONFERENCE REPORT ON HB 83-A

The committee of conference to which was referred House Bill 83-A, An Act relative to the Cornish-Windsor bridge and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Bridge Restoration. 1986, 203:15 is repealed and reenacted to read as follows:

203:15 Bridge Restoration; Statement of Intent.

I. The general court recognizes that the Cornish-Windsor covered bridge over the Connecticut River is a state, as well as national, historic treasure, and is an integral part of the legislative history of New Hampshire. Having acted on 6 previous occasions to authorize, regulate, and preserve the bridge during the 203-year history of the Cornish-Windsor covered bridges and crossings, the general court, by this act, intends to preserve this unique historic structure for the safe use and enjoyment of future generations of New Hampshire citizens. The general court further recognizes that the bridge, now in a seriously deteriorated condition, is a vital, heavily-traveled commercial, transportation, and emergency artery linking the citizens of Cornish, New Hampshire and Windsor, Vermont and, therefore, must be restored to conform to the highest standards of highway safety.

II. The general court also recognizes that New Hampshire counts among its citizens Milton and Arnold Graton of Ashland, New Hampshire, doing business as Graton Associates, who are recognized throughout New Hampshire and nationally as preeminent craftsmen on construction, restoration, and repair of covered wooden bridges.

III. The general court therefore agrees with the 4 guidelines for restoration of the bridge put forth by the present governor of New Hampshire; and by this act, intends that his guidance be precisely followed: the bridge must be historically restored; it must meet the highest safety standards; the best available craftsmen must perform the restoration; and the restoration must begin as soon as possible.

2 Appropriation. Amend 1986, 203 by inserting after section 15 the following new section:

203:15-a Appropriation.

I. The sum of \$1,450,000 is hereby appropriated to the department of transportation for the fiscal year ending June 30, 1987, for the purpose of restoration of the Cornish-Windsor covered bridge on New Hampshire route 12-A over the Connecticut River. This appropriation shall be nonlapsing and in addition to any other appropriations for the department of transportation for the biennium. The department may accept funds from any other sources for this project and the appropriation shall be reduced by the amount of any such funds made available.

II. The department of transportation shall negotiate a design-build contract to authentically restore the Cornish-Windsor covered bridge to meet an HS 15-44 load bearing capacity. Competitive bid-

ding may be waived, but any bidding on this unique project shall be limited to contractors with demonstrated expertise in authentic restoration of covered bridges. The design-build contract shall be limited to restoration of the bridge, abutments and central pier only. Reconstruction of approaches, if required, and other ancillary work shall be performed by the department of transportation or contracted on a competitive bid basis at the department's discretion.

III. Design and contract negotiations shall be completed in a timely fashion so as to allow the purchase and assembly of any special materials needed for the project prior to December 31, 1987, and construction shall begin as soon as weather and river conditions permit in 1988.

IV. The department of transportation shall further negotiate an agreement with the U. S. Army Corps of Engineers and interested public utilities to regulate river water levels to the extent possible to insure the bridge remains secure from damage during flood or ice-out conditions.

V. The restoration project shall be overseen by the special committee on the Cornish-Windsor bridge of the New Hampshire executive council, but the department of transportation shall have overall authority for the project.

3 Bonds. Amend 1986, 203:16 to read as follows:

203:16 Bonds. To provide funds for the appropriation in section [15] 15-a of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [\$850,000] \$1,450,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

4 Effective Date. This act shall take effect upon its passage.

*Conferees on the Part  
of the Senate*

Sen. Torr, Dist. 21  
Sen. Chandler, Dist. 7  
Sen. Preston, Dist. 23

*Conferees on the Part  
of the House*

Rep. Pearson, Belk. 5  
Rep. Schotanus, Sull. 1  
Rep. Driscoll, Graf. 8  
Rep. Kincaid, Straf. 7

Senator Torr moved to adopt the committee report.

Adopted.



## COMMITTEE OF CONFERENCE REPORT ON HB 104-FN

The committee of conference to which was referred House Bill 104-FN, An Act relative to sunset review of the office of state planning having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Sunset; Office of State Planning Renewed. The office of state planning, PAU 01030103 (formerly PAU 010306), is hereby renewed to comply with RSA 17-G, except that the agency or program shall terminate on July 1, 1989, not July 1, 1993, subject to RSA 17-G.

Amend RSA 4-C:22, I as inserted by section 3 of the bill by replacing it with the following:

I. Through participation in the water protection assistance program, each municipality shall be encouraged to prepare, adopt, and include in its master plan a local water resources management and protection plan, hereafter referred to as the local water plan, which is consistent with the criteria established by the office under RSA 4-C:20. Prior to adoption by a municipality, the local water plan shall be submitted to the office for verification that the plan is consistent with the established criteria. In accordance with recommended procedures for effective master planning which call for continuing evaluation, and in accordance with the provisions of RSA 674:2, the local water plan shall be reviewed and updated from time to time as changed conditions and new information justify. Revisions to the local water plan shall be submitted to the office, prior to adoption, for review and comment regarding consistency with the office's established criteria. No water resources management and protection plan shall take effect as part of a municipal master plan or zoning ordinance unless prior to its adoption by the municipality, the office of state planning has reviewed and provided written comments regarding the consistency of the plan or ordinance with criteria developed pursuant to RSA 4-C:20, I. Both towns submitting plans and the office of state planning shall make every reasonable effort to assure that such plans are submitted and reviewed in a timely fashion to assure that such plans shall be reviewed prior to the next town

meeting following such submission. The written report shall be submitted to the municipality proposing the plan and shall be kept on file at the office of state planning with the proposed plan to be made available to the public upon reasonable request and payment for any costs incurred in the duplication of the report.

*Conferees on the Part  
of the Senate*

Sen. Hounsell, Dist. 2  
Sen. Dupont, Dist. 6  
Sen. Krasker, Dist. 24

*Conferees on the Part  
of the House*

Rep. Spear, Straf. 2  
Rep. Conroy, Rock. 7  
Rep. McCann, Straf. 7  
Rep. Woodward, Rock. 18

Senator Hounsell moved to adopt the committee report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 107-FN

The committee of conference to which was referred House Bill 107-FN, An Act relative to sunset review of the department of revenue administration - community services having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 41:15 as inserted by section 3 of the bill by replacing it with the following:

41:15 Property Tax Rates. The property tax rates of cities and towns shall be set in accordance with the provisions of RSA 21-J:34-37.

Amend the bill by replacing section 4 with the following:

4 New Subdivision; Setting Property Tax Rates. Amend RSA 21-J by inserting after section 33 the following new subdivision:

Property Tax Rates

21-J:34 Reports Required.

I. The governing body of each city, town, school district, and village district shall, by October 1 of each year, or such other date as the commissioner may establish by rule, submit the reports speci-

fied below to the commissioner of revenue administration. The commissioner shall adopt rules under RSA 541-A establishing the form and content of these reports.

II. The report filed by the governing body of each city and town shall certify the number of residents and total valuation of each class of property included in the inventory of residents and ratable estates. The report shall also certify the appropriations voted by the legislative body and the estimated revenues for the year.

III. The governing body of each school district and village district shall certify the appropriations voted by the appropriate legislative body and the estimated revenues for the year.

#### 21-J:35 Setting of Tax Rates by Commissioner.

I. The commissioner of revenue administration shall compute and establish the tax rate of each town, city, or unincorporated place.

II. To compute and establish the tax rates of towns, cities and unincorporated places under paragraph I, the commissioner shall examine the reports required under RSA 21-J:34 to ensure that:

(a) All appropriations have been made in a manner which is consistent with procedural requirements established by statute.

(b) No appropriations have been made which are prohibited by statute.

(c) All revenues have been estimated accurately and in a manner which is not prohibited by statute.

(d) All calculations are correct.

III. If the commissioner finds that appropriations were made in a manner which is inconsistent with statute he shall delete the appropriation or that portion in question.

IV. If the commissioner finds that the estimated revenues included are inaccurate or inappropriate he shall adjust the estimates in question.

V. The commissioner shall notify in writing the governing body of each city or town of the rate he has established. This notification shall include a detailed explanation of all changes made in the appropriations or revenue estimates submitted by the municipality or district in question.

VI. Any town, city, or unincorporated place which is dissatisfied with the tax rate set under this section may, within 10 days of notification, request an oral hearing on this matter before the commissioner of revenue administration. If such a request is made, the commissioner shall promptly schedule and conduct a hearing pursuant to rules he shall adopt under RSA 541-A. After hearing, the decision of the commissioner shall be final.

21-J:36 Penalty. If the certifications and reports required by RSA 21-J:34 are not made to the department of revenue administration on or before October 1, unless the time is extended by the department of revenue administration for just cause, the town for which the selectmen act shall pay to the state for its use of the sum of \$5 for each day's delay in making certification. The department of revenue administration shall notify each town of the total amount of penalty due and, if any town neglects for more than 30 days to pay the sum due, then the department of revenue administration shall instruct the state treasurer's office to withhold the sum due from moneys due to the town from the state. The provisions of RSA 44:2 shall apply to this section.

21-J:37 Service Exemptions Added to Appropriations. Selectmen and assessors shall total the amount to be credited to veterans upon their tax bills, when the same has been determined, and add the same to the total amount of appropriations voted by the town or city as certified to the commissioner of revenue administration under RSA 21-J:34, for the purpose of computing the tax rate.

*Conferees on the Part  
of the Senate*

Sen. Bartlett, Dist. 19  
Sen. Dupont, Dist. 6  
Sen. St. Jean, Dist. 20

*Conferees on the Part  
of the House*

Rep. Ward, Graf. 1  
Rep. Harrington, Hills. 7  
Rep. Frechette, Straf. 8  
Rep. Cowenhoven, Hills. 9

Senator Dupont moved to adopt the committee report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 133-FN

The committee of conference to which was referred House Bill 133-FN, An Act relative to sunset review of state liquor commission-merchandising and relative to the state liquor commission having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 36 with the following:

36 New Paragraph; Salary of Chairman, State Liquor Commission. Amend RSA 94:1-a by inserting after paragraph III the following new paragraph:

III-a. The salary of the chairman, state liquor commission shall be that established in this section, except that the governor and council shall establish the chairman's salary at a level which is at least \$1,000 more than that established for the executive director, state liquor commission.

*Conferees on the Part  
of the Senate*

Sen. St. Jean, Dist. 20  
Sen. Dupont, Dist. 6  
Sen. Preston, Dist. 23

*Conferees on the Part  
of the House*

Rep. Phelps, Merr. 1  
Rep. Simon, Rock. 9  
Rep. McKinney, Rock. 23  
Rep. Dion, Hills. 45

Senator St. Jean moved to adopt the committee report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 126-FN

The committee of conference to which was referred House Bill 126-FN, An Act relative to sunset review of the commission on the status of women and making certain changes in the commission having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

*Conferees on the Part  
of the Senate*

Sen. Bond, Dist. 1  
Sen. Disnard, Dist. 8  
Sen. Pressley, Dist. 12

*Conferees on the Part  
of the House*

Rep. Hawkins, Belk. 5  
Rep. Pelley, Straf. 10  
Rep. Torr, Straf. 6  
Rep. McCain, Rock. 11

Senator Disnard moved to adopt the committee report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 124-FN

The committee of conference to which was referred House Bill



124-FN, An Act relative to sunset review of the real estate commission having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

*Conferees on the Part  
of the Senate*

Sen. Freese, Dist. 4  
Sen. Disnard, Dist. 8  
Sen. Dupont, Dist. 6

*Conferees on the Part  
of the House*

Rep. Hawkins, Belk. 5  
Rep. MacDonald, Carr. 6  
Rep. Ford, Hills 24  
Rep. Pelley, Straf. 10

Senator Freese moved to adopt the committee report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 142-FN

The committee of conference to which was referred House Bill 142-FN, An Act relative to sunset review of the fish and game department - administration and support having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 5 with the following:

6 Effective Date. This act shall take effect upon its passage.

*Conferees on the Part  
of the Senate*

Sen. Hounsell, Dist. 2  
Sen. McLane, Dist. 15  
Sen. Krasker, Dist. 24

*Conferees on the Part  
of the House*

Rep. Perham, Hills. 10  
Rep. Scanlan, Graf. 11  
Rep. Jensen, Belk. 6  
Rep. Felch, Rock. 14



Senator Hounsell moved to adopt the committee report.

Adopted.

#### COMMITTEE OF CONFERENCE REPORT ON HB 143-FN

The committee of conference to which was referred House Bill 143-FN, An Act relative to sunset review of the department of fish and game - law enforcement having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after section 2 with the following:

3 Law Enforcement. The executive director of the fish and game department shall develop and implement a plan to reduce the number of supervisory positions by attrition within the law enforcement division. The executive director shall report on progress in this area to the appropriate standing committees of the house and senate not later than January 1, 1988.

4 Study Committee. There is hereby established a 9 member study committee to make an in-depth study of all divisions and operations of the department of fish and game, including, but not limited to, the expansion of facilities and personnel with the department. The committee shall consist of 3 members of the house fish and game committee appointed by the speaker of the house of representatives; 3 members of the senate committee on development, recreation and environment appointed by the president of the senate; the chairman of the fish and game commission or his designee; the executive director of the department of fish and game or his designee; and a member of the New Hampshire Wildlife Federation appointed by the governor and council. The committee members shall choose a chairman and clerk from the legislative members of the committee. The committee members shall serve without compensation, but the legislative members shall receive legislative mileage when performing committee duties. The committee shall report its findings and recommendations to the speaker of the house of representatives, the president of the senate, and the governor and council on or before December 31, 1988.

5 Effective Date. This act shall take effect upon its passage.

*Conferees on the Part  
of the Senate*

Sen. McLane, Dist. 15  
Sen. Freese, Dist. 4  
Sen. St. Jean, Dist. 20

*Conferees on the Part  
of the House*

Rep. Jensen, Belk. 6  
Rep. Magoon, Rock. 13  
Rep. Dionne, Straf. 5  
Rep. Kinney, Straf. 6

Senator McLane moved to adopt the committee report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 152

The committee of conference to which was referred House Bill 152-FN, An Act relative to sunset review of the board of education - administration and support, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 7 with the following:

7 Supplemental Appropriation. In addition to any other sums appropriated to PAU 06, 03, 02, 01, financial aids to districts-state, class 94, unorganized districts, the sum of \$67,456 is hereby appropriated for the fiscal year ending June 30, 1987. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

8 This act shall take effect upon its passage.

*Conferees on the Part  
of the Senate*

Sen. Disnard, Dist. 8  
Sen. Hough, Dist. 5  
Sen. Bond, Dist. 1

*Conferees on the Part  
of the House*

Rep. Hounsell, Carr. 2  
Rep. Skinner, Rock. 21  
Rep. Wadsworth, Graf. 13  
Rep. Wall, Straf. 4

Senator Disnard moved to adopt the committee report.

Adopted.

#### COMMITTEE OF CONFERENCE REPORT ON HB 165-FN

The committee of conference to which was referred House Bill 165-FN, An Act relative to sunset review of the department of employment security and relative to appellate procedure in such department having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Sunset; The Department of Employment Security Renewed. The department of employment security is hereby renewed to comply with RSA 17-G. The agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

2 Effect of Later Enactments. Passage of this act renewing the department of employment security shall not limit any subsequent legislative action affecting this agency or program. The general court shall retain its full power to make amendments to or to terminate the department of employment security, pursuant to RSA 17-G:9.

3 Withdrawal of Appeal. Amend RSA 282-A:55 to read as follows:

282-A:55 —Withdrawal of Appeal. A chairman may allow an appeal to be withdrawn by the appellant; but, in such case, the chairman shall send notice by [registered mail] certified mail, return receipt requested, of his allowance of the withdrawal to all interested parties at the last address of each according to the records of the department of employment security. Simultaneously with the mailing of such notice, the determination of the certifying officer from which the appeal had been taken shall become final; and no subsequent appeal of any type may be taken by the appellant in connection therewith].

4 Decision. Amend RSA 282-A:58 to read as follows:

282-A:58 —Decision. In every appeal, except those withdrawn, the chairman shall prepare a written decision which shall be sent by [registered mail] certified mail, return receipt requested, to each interested party at the last address of each according to the records of the department of employment security. The decision, except one on an appeal dismissed for lack of prosecution or defaulted for failure to attend, among other necessary things as determined by the commissioner, shall: set forth all the material findings and specific provisions of law necessary to support the conclusions; identify the interested parties and the account, whether fund or employer, to which benefits will be charged, if allowed; identify the week or period during which benefits are denied; identify the first week and subsequent period with respect to which benefits will be paid, if allowed; determine all things necessary to finally dispose of the case; and identify the members of the tribunal.

5 Reopening of Appeal. Amend RSA 282-A:60 to read as follows:

282-A:60 Reopening of Appeal Tribunal Decision; Procedure. The second level of appeal shall be to the commissioner. The commissioner may, upon written request of an interested party or upon his own initiative, in any case in which a decision has been rendered, reopen the case on the basis of fraud, mistake, or newly discovered evidence. Such request shall set forth the facts or argument considered to be the basis for the reopening. The commissioner shall not consider any request for reopening unless it is received in his office within 14 calendar days immediately following the date of the mailing of the appeal tribunal's decision. The commissioner shall promptly notify in writing all interested parties of the request for reopening.

6 Commissioner's Determination. Amend RSA 282-A:61 to read as follows:

282-A:61 —Commissioner's Determination. The commissioner shall render his determination within a reasonable period after all the facts or arguments are made available to him. The determination of the commissioner shall be sent by [registered mail] certified mail, return receipt requested, to each interested party at the last address of each according to the records of the department of employment security. The appeal tribunal shall, upon direction to reopen, proceed in the same manner as though an appeal in said case were being taken from a determination of a certifying officer; provided, however, that the further hearing shall be limited to the introduction

of evidence or argument relative to and concerning the factors which constitute the basis or ground for the reopening unless the commissioner orders a de novo hearing.

7 Renaming the Appellate Division the Appellate Board; Per Diem Allowance. Amend RSA 282-A:62 to read as follows:

282-A:62 Appellate [Division] Board.

I. There shall be an appellate [division] board consisting of 5 members, no 2 of whom shall be from the same executive council district, who are and continue to be residents of New Hampshire, appointed by the governor with the advice and consent of the executive council for 3-year terms and until their successors are appointed and qualified. Two of the members shall be attorneys-at-law admitted to the practice of law in the state of New Hampshire, one of whom shall be the [chairman] chair, and one of whom shall be the vice [chairman] chair and shall serve in the absence of the [chairman] chair. These 2 members shall be the only members of the appellate [division] board who are attorneys-at-law. Another member shall be a representative of business management familiar with unemployment compensation laws. A fourth member shall be a representative from organized labor familiar with unemployment compensation laws. The fifth member, who shall also be familiar with unemployment compensation laws, shall be designated as the member representing and shall represent the public. [The first appointments shall be 2 for one year, 2 for 2 years and one for 3 years.] The appointments shall be for 3 years. Any vacancy shall be filled for the unexpired term. The members shall be paid \$100 for each day or any part thereof during which they perform services except that the chair and vice chair shall be paid \$150 for each day or any part thereof during which they perform services. [and] All members shall be reimbursed for all expenses determined by the commissioner to be necessary to the performance of their duties including mileage and board and room necessary for the conduct of hearings [in Concord], except that no person who is a member of the appellate [division] board and holds a part time, full time or per diem position position with the executive, legislative or judicial branch shall receive the [\$100 per day] per diem allowance.

II. In the event of an increased workload the chair of the appellate board may request the governor with the advice and consent of the executive council to appoint up to 4 additional at-large members to the board, with equal representation for business management and organized labor. These new members shall serve for 3 years or until



notified by the chair that the workload has been reduced to a level so that their services are no longer required.

8 Organization and Support; Renaming the Appellate Division the Appellate Board. Amend RSA 282-A:63 to read as follows:

282-A:63 —Organization and Support. The appellate [division] board shall be part of the department of employment security for organizational purposes but shall operate independently of that department. [Annual funding for the appellate division shall be determined by the commissioner after consultation with the chairman of the division and] The commissioner, after consultation with the appellate board chair, shall develop a cooperative working agreement outlining the annual funding for the appellate board which shall be provided for and administered by the commissioner. The agreement shall also describe all clerical personnel, facilities, space, supplies, services, and other support necessary to the functioning of the appellate [division] board which shall be determined by, provided for, and administered by, the commissioner.

9 Jurisdiction; Renaming the Appellate Division the Appellate Board. Amend RSA 282-A:64 to read as follows:

282-A:64 —Jurisdiction.

I. The appellate [division] board shall hear appeals from decisions of the appeal tribunal. An appeal must be filed with the appellate [division] board within 15 days of the date of mailing of:

(a) The commissioner's decision on a request for reopening; or

(b) The appeal tribunal's decision on an appeal which had been remanded by the appellate [division] board, in which case a request for reopening is not required.

II. The appellate board may allow a late appeal, if, in its opinion, good cause exists.

[II] III. The review by the appellate [division] board shall be confined to the record. No evidence shall be received. The appellate [division] board shall provide all parties and the commissioner with a [transcription] tape recording of the appeal tribunal [.]; however, the appellate board chair may require a transcription of the first level hearing. In such case a copy shall be provided to all parties. The commissioner shall provide the appellate [division] board with a copy of all other department records relating to the claim.

IV. The appellate board may decline to review any appeal which presents no substantial question within the appellate board's jurisdiction as set forth in RSA 282-A:65.



10 Reversal, Modification, or Affirmation; Renaming Appellate Division the Appellate Board. Amend RSA 282-A:65 to read as follows:

282-A:65 —Reversal, Modification or Affirmation. The appellate [division] board shall not substitute its judgment for that of the commissioner or appeal tribunal as to the weight of the evidence on questions of fact, or as to the prudence or desirability of the determination. The appellate [division] board shall reverse or modify the decision or remand the case for further proceedings only if the substantial rights of the appellant had been prejudiced because the findings, inferences, conclusions, or the decision is:

- I. In violation of constitutional or statutory provisions; or
- II. In excess of the statutory authority of the department of employment security; or
- III. Affected by reversible error of law; or
- IV. Affected by fraud; or
- V. Affected by the absence of newly discovered evidence, which was not available to the affected party upon reasonable search at the time of the [appeal tribunal] first level hearing, in which case the appeal shall be remanded to the appeal tribunal. Otherwise, the appellate [division] board shall affirm the order.

11 Quorum, Sessions, Exclusivity; Replacing the Appeal Division with Appeal Board; Renaming Appellate Division the Appellate Board. Amend RSA 282-A:66 to read as follows:

282-A:66 —Quorum, Sessions, Exclusivity.

I. The appellate [division] board, while in session, shall consist of 3 members designated by the [chairman] chair. Any party aggrieved by a decision of the appeal tribunal may appeal. The parties to such appeal shall be the claimant, all interested parties as defined in this chapter, and the commissioner. The appellate [division] board shall adopt rules of procedure pursuant to RSA 541-A. It shall not require written briefs. The appellate [division] board shall:

(a) Render a written decision within 15 business days of the hearing; [or] and

(b) Adopt the decision of the appeal tribunal.

[When a decision is not rendered within 15 business days after the hearing such will constitute a dismissal of the appeal.]

II. The appellate [division] board shall sit in Concord, or any other area designated by the chair, and shall hold sessions at least monthly for the purpose of hearing arguments, making orders, rendering decisions and filing opinions.

III. The appellate procedures provided by this chapter shall be exclusive.

12 Judicial Review; Renaming Appellate Division the Appellate Board. Amend RSA 282-A:67 to read as follows:

282-A:67 Administrative Reconsideration and Judicial Review.

I. An interested party who is aggrieved by the decision of the appellate board or the commissioner, may within 20 days of the date of mailing of the board's decision request that the board reconsider its decision or that the board order a new hearing specifying in the request the grounds therefor. The appellate board shall within 30 days deny or grant the motion for reconsideration or order a new hearing.

[I] II. An interested party who has exhausted all administrative remedies within the department and who is aggrieved by a final decision of the appeal tribunal as reversed, modified, or affirmed by the appellate board after a motion for reconsideration is granted or denied or after the decision on rehearing, may appeal that decision to the supreme court, but only if the notice of that appeal is filed with the court within [15] 30 days after the date of mailing of the decision from which the appeal is taken and the notice of appeal is served upon the [appeal tribunal] commissioner and the attorney general contemporaneously with the filing of that notice of appeal with the court. In addition, that notice of appeal shall be served upon all parties of record. The service required by this section may be in person or by certified mail, return receipt requested. The appeal shall be styled "appeal of name of the party filing the appeal regarding [( ) unemployment compensation [appeal tribunal)]" [and shall be an in rem proceeding]. Any interested party, and the state, shall have a right to participate as a party in the appellate proceedings before the court. The notice of appeal shall specifically identify each error for which review is sought. The filing of a notice of appeal shall not stay enforcement of the appeal tribunal decision.

[II] III. Within 60 days after the service of the notice of appeal upon the [appeal tribunal] commissioner, or within such further time allowed by the court, the [appeal tribunal] commissioner shall transmit to the court a certified copy of the entire record of the proceeding [before the appeal tribunal]. By stipulation of all parties to the review proceeding, the record may be shortened. If the record is shortened by stipulation, the court may subsequently require additional portions of the record certified.

[III] IV. The review of the court shall be confined to the record. No evidence shall be received in the court. The court may require oral argument or written briefs, or both.

[IV] V. The court shall not substitute its judgment for that of the appeal tribunal as to the weight of the evidence on questions of fact.

The court shall reverse or modify the decision of the appeal tribunal, or remand the case for further proceedings, as determined by the court, only if the substantial rights of the appellant had been prejudiced because the administrative findings, inferences, or conclusions are:

- (a) In violation of constitutional or statutory provisions;
- (b) In excess of statutory authority;
- (c) Made upon unlawful procedures;
- (d) Clearly erroneous in view of the substantial evidence on the whole record; or
- (e) Affected by other error of law.

Otherwise, the court shall affirm the appeal [tribunal] tribunal's decision.

13 Membership of Appellate Board. Notwithstanding RSA 262-A:62, the members of the appellate division shall become members of the appellate board upon passage of this act. The terms of the initial members of the appellate board shall expire at the time such individual's terms in the appellate division were due to expire.

14 Rules; Appellate Division. Any rule adopted by the appellate division under RSA 282-A:66 shall remain in effect until its expiration date under RSA 541-A:2, IV, unless the appellate board amends or repeals the rule, pursuant to RSA 282-A:66, prior to that date.

15 Effective Date. This act shall take effect July 1, 1987.

*Conferees on the Part  
of the Senate*

Sen. Delahunty, Dist. 22  
Sen. Blaisdell, Dist. 10  
Sen. Bond, Dist. 1

*Conferees on the Part  
of the House*

Rep. Nichols, Merr. 2  
Rep. Turner, Belk. 11  
Rep. Warburton, Rock. 6  
Rep. Zajdel, Hills. 38

Senator Delahunty moved to adopt the committee report.

Adopted.

## COMMITTEE OF CONFERENCE REPORT HB 167-FN

The committee of conference to which was referred House Bill 167-FN, An Act relative to the sunset review of the department of vocational-technical education having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after section 6 with the following:

7 Town of Winchester School District Election; Nullification. All results of the Winchester school district election held March 19, 1987, are hereby declared null and void.

8 Special School District Election; Winchester. Notwithstanding any other provision of law, the Winchester school district is hereby authorized to conduct a special school board election. Such election shall occur within 45 days of the effective date of this section and shall be in conformity with all state election laws relative to annual school district elections except that:

I. The candidates on the ballot shall be the same candidates as were on the slate of the March 19, 1987 election.

II. The voter check list shall be the same check list as used at the March 19, 1987, election with no additions or deletions.

III. The secretary of state and his staff shall assist and direct the election process, including the counting of ballots.

IV. The school district clerk shall prepare new ballots which shall be distinguishable as to color, size or layout from the ballots used at the March 19, 1987 election.

9 Application Limited. Sections 10-12 of this act shall apply only for the biennium ending June 30, 1989.

10 Intent. It is the intent of the general court that the department of postsecondary vocational-technical education be thoroughly responsive to the needs of business and industry in providing needed technical education and vocational training in the most cost effective, efficient, and timely manner possible.

11 Duties of Commissioner. Notwithstanding any other provision of law, the commissioner of postsecondary vocational-technical education is hereby authorized to:

I. Receive for disbursement, with the prior approval of the fiscal committee and the governor and council, any actual excess over the estimate of income received from students enrolled in the vocational training division which shall be used only for the administration and operation of the programs offered by that division.

II. Receive for disbursement, with the prior approval of the fiscal committee and the governor and council, any actual excess over the estimate in the income received from students enrolled in the technical-education division which shall be used only in connection with current operating expenses in that division.

III. Receive for disbursement any federal financial or other aid made available by the federal government as authorized by RSA 188-F:20 as amended.

IV. Upon approval of the board of governors as provided by RSA 188-F:14, transfer funds between and among line items within the department which have the same funding source or funding mix. By October 1 and quarterly thereafter the department shall submit a report to the fiscal committee detailing all transfers made the prior quarter and the reasons for them.

12 Nonlapsing Account. Notwithstanding any other provision of law, revenue received in excess of the legislative estimates in the technical education and vocational training divisions of the New Hampshire technical institute and the vocational-technical colleges, as well as net unexpended general fund appropriation balances at the close of the fiscal year, shall be placed in a continuing nonlapsing account. Funds in this account may be used only with the prior approval of the fiscal committee and with the approval of the governor and council in order to establish and/or enhance program offerings that will meet the needs of both the student and business and industry with the greatest degree of effectiveness and responsiveness. In the event that the legislative revenue estimates are not met for fiscal year 1988 or 1989, then effective July 1, 1988 or July 1, 1989, the commissioner, upon prior approval of the fiscal committee and the governor and council, shall notify the bureau of accounts as to which line item appropriations, in which functional units and the specific amounts to be reduced in order to compensate completely for the prior fiscal year's revenue deficit or utilize such funds as may be available in the continuing nonlapsing account to satisfy all or a portion of such deficit.

*Conferees on the Part  
of the Senate*

Sen. Disnard, Dist. 8  
Sen. Bond, Dist. 1  
Sen. Nelson, Dist. 13

*Conferees on the Part  
of the House*

Rep. Tufts, Rock. 13  
Rep. Skinner, Rock. 21  
Rep. Wadsworth, Graf. 13  
Rep. Riley, Merr. 9

Senator Disnard moved to adopt the committee report.



Adopted.

#### COMMITTEE OF CONFERENCE REPORT ON HB 168-FN

The committee of conference to which was referred House Bill 168-FN, An Act relative to sunset review of joint board of engineers, architects and land surveyors having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 310-A:52, IV as inserted by section 2 of the bill by replacing it with the following:

IV. The preparation of drawings and specifications for, and the supervision and alteration of, any structure which does not have as its principal structural members reinforced concrete or structural steel and is 2 1/2 stories or less, and 4,000 square feet or less, and is not a building of assembly, which includes schools, churches, auditoriums, theatres, hospitals and any building for the elderly.

#### *Conferees on the Part of the Senate*

Sen. Dupont, Dist. 6  
Sen. Disnard, Dist. 8  
Sen. Bartlett, Dist. 19

#### *Conferees on the Part of the House*

Rep. Hawkins, Belk. 5  
Rep. McCain, Rock. 11  
Rep. Pelley, Straf. 10  
Rep. Torr, Straf. 6

Senator Dupont moved to adopt the committee report.

Adopted.

#### COMMITTEE OF CONFERENCE REPORT ON HB 190-FN

The committee of conference to which was referred House Bill 190-FN, An Act relative to district court venue in landlord and tenant actions having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the House, and pass the bill as so amended:



Amend RSA 502-A:16 as inserted by section 1 of the bill by replacing it with the following:

502-A:16 Venue in Civil Causes. Actions shall be returnable to the district court of the judicial district where either plaintiff or defendant resides; except that actions arising under RSA 540, relative to actions against tenants, may also be returnable in the judicial district in which the real property in question is located.

*Conferees on the Part  
of the Senate*

Sen. Podles, Dist. 16  
Sen. White, Dist. 11  
Sen. Preston, Dist. 23

*Conferees on the Part  
of the House*

Rep. Gage, Rock. 13  
Rep. Murphy, Hills. 40  
Rep. Koromilas, Straf. 6  
Rep. Hess, Merr. 9

Senator Podles moved to adopt the committee report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 201-FN

The committee of conference to which was referred House Bill 201-FN, An Act relative to the use of the New Hampshire hospital buildings and relative to the disposal of state-owned property having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; State Hospital Buildings. Amend RSA 4 by inserting after section 39 the following new section:

4:39-a New Hampshire Hospital Real Estate.

I. The area in the city of Concord bounded by Pleasant, Fruit, Clinton, and South Spring streets, excluding any privately owned land and buildings, and known as the main campus of the New Hampshire hospital shall remain in its entirety the property of the

state of New Hampshire, except such land as determined necessary for use by the city of Concord for approved municipal services may be conveyed in accordance with RSA 10:4 unless RSA 227-C:6 applies. If RSA 227-C:6 applies such land shall be conveyed in accordance with RSA 227-C:9. The commissioner of administrative services, with the approval of the long range capital planning and utilization committee, shall designate the use of any buildings on the main campus of the New Hampshire hospital in accordance with the following priorities: (1) division of mental health and developmental services and their lessees, (2) state departments, and (3) other government or nonprofit organizations performing a state-related function.

II. If any of the buildings of New Hampshire hospital which are under the jurisdiction of the division of mental health and developmental services are released to the department of administrative services after the effective date of this section, they shall not be occupied until they have been properly renovated for their new purposes, and such renovations have been approved by the commissioner of administrative services and the priority requirement established under paragraph I has been satisfied. The commissioner of administrative services may make an exception to this paragraph not to exceed a period of 2 years from the release date for occupancy of any such building. The commissioner shall adopt rules under RSA 541-A relative to the procedure to be followed for such exceptions.

2 Reference. Amend RSA 4:40, I to read as follows:

I. Except as provided in RSA 4:39-a and paragraph II of this section, upon recommendation of the head of any state department having jurisdiction over the same and with the approval of the council on resources and development, all requests for the disposal or leasing of state-owned properties shall be reviewed and approved by the long range capital planning and utilization committee prior to submission to the governor and council for approval. Upon determination that the property is no longer needed by the state, the governor and council shall first offer it to the town, city, or county in which the property is located. If the town, city, or county refuses the offer, the governor and council may sell, convey, transfer, or lease the real property.

3 Reference Change. Amend RSA 10:4 to read as follows:

10:4 Acquisition and Disposal of Real Estate for Institutions. Except as provided in RSA 4:39-a, upon request of the director of the division of mental health and developmental services, the director of

the division of public health services, or the division for children and youth services, the governor and council may buy, sell, or exchange institutional lands for any of the institutions named in RSA 10:1 over which the requester has jurisdiction and, at the request of any of the above or that of the trustees of the university system of New Hampshire, may institute proceedings for the taking of land for institutional purposes by eminent domain; and the procedure for that purpose shall be the same and the value of the land shall be determined as in cases of land taken for highways upon petition to the superior court. On the payment of the value as finally determined, the title to the land so taken shall vest in the state.

4 Effective Date. This act shall take effect 60 days after its passage.

*Conferees on the Part  
of the Senate*

Sen. Torr, Dist. 21  
Sen. Nelson, Dist. 13  
Sen. Chandler, Dist. 7

*Conferees on the Part  
of the House*

Rep. Parker, Ches. 11  
Rep. Whitcomb, Graf. 1  
Rep. Gage, Rock. 20  
Rep. Arnesen, Graf. 7

Senator Torr moved to adopt the committee report.

SENATOR JOHNSON: Senator Nelson, would you tell me what the final effect of this committee of conference report, in the bill itself, has on the integrity of the New Hampshire hospital grounds?

SENATOR NELSON: They will stay intact. They will not be sold. The commissioner of administrative services, with the approval of a long range capital planning utilization committee, shall designate the use of any building on the main campus of the New Hampshire hospital, in accordance with the priority. That's what will happen. It will stay intact until these things occur on page two.

SENATOR JOHNSON: Can I be assured that that property in question, the hospital buildings and grounds, will stay intact and will be reserved for the priorities indicated on page two here?

SENATOR NELSON: That's correct.

SENATOR MCLANE: Senator Torr, because you have worked on the Capital Budget, you know about the second start program which is now renting at New Hampshire hospital.

SENATOR TORR: Right.

SENATOR MCLANE: I've received several telephone calls in the last two days from a very concerned Board of Directors, because there was part of the Capital Budget, which discussed their lease at the New Hampshire hospital. Could you tell me what affect this bill will have on that very important problem to Concord?

SENATOR TORR: If I may address it as the lease is concerned itself?

SENATOR MCLANE: Yes, that's what I'd like.

SENATOR TORR: I believe they have a binding five year lease and I don't believe that could have been terminated without the consent of the second start program in the first place. That's why we took the language out of the Capital Budget, in the first place. I believe with this bill it just gives you greater insurance that the fact that the lease is more binding.

SENATOR MCLANE: So, you are aware that there is a problem between the second start people and Mr. Kennedy, and you would feel that the passage of this bill would make their present lease arrangement stronger?

SENATOR TORR: Yes, I do. To further address that, in HB 100, which is part of the Capital Budget, we only allocated money for the design of the Walker Building, where they are presently located and that's subject to approval in the Capital Budget overview committee. Therefor, giving you assurance that you'll probably be able to fulfill the remaining three years on that lease.

SENATOR MCLANE: Thank you very much.

SENATOR HOUNSELL: Senator Torr, do you know or has it come up, is this facility currently contaminated with asbestos?

SENATOR TORR: I wouldn't use the phraseology contaminated. It has asbestos in it. I think you're probably aware that asbestos lying in a dormant state isn't too dangerous to you. It's when you start moving it around and the particles circulate in the air is when it becomes dangerous.

SENATOR HOUNSELL: Is there any possibility that someone might be able to disturb this asbestos and put it into an active state?

SENATOR TORR: I don't believe, where the project second start is located, is in the area where the asbestos is of greatest concern which I believe is in the basement.

Adopted.

#### COMMITTEE OF CONFERENCE REPORT ON HB 296-FN-A

The committee of conference to which was referred House Bill 296-FN-A, An Act establishing a department of securities and making an appropriation therefor, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Securities Division; Department of Insurance and Securities. Amend RSA 400-A by inserting after section 39 the following new subdivision:

#### Division of Securities

400-A:40 Findings; Intent. The general court finds that the selling of securities and the regulation of securities dealers need to be monitored more closely for the benefit of the citizens of New Hampshire. The general court declares that the economic well-being of the citizens of New Hampshire is best served by establishing a specific division within the department of insurance and securities responsible for the administration of this state's securities laws.

400-A:41 Definitions. When used in this subdivision, unless the context otherwise requires:

I. "Agent" means "agent" as defined in RSA 421-B:2, II.

II. "Broker-dealer" means "broker-dealer" as defined in RSA 421-B:2, III.

III. "Commissioner" means the commissioner of insurance and securities.

IV. "Department" means the department of insurance and securities.

V. "Investment adviser" means "investment adviser" as defined in RSA 421-B:2, IX.

VI. "Issuer" means "issuer" as defined in RSA 421-B:2, XIII.

VII. "Person" means "person" as defined in RSA 421-B:2, XVI.



VIII. "Rule" means "rule" as defined in RSA 541-A:1, IV, subject to all of the requirements of RSA 541-A.

IX. "Security" means "security" as defined in RSA 421-B:2, XX.

400-A:42 Establishment; General Functions.

I. There is established the division of securities, which shall be a regulatory division under the executive direction of the commissioner of insurance and securities.

II. The division of securities, through its officials, shall be responsible for the following general functions:

(a) The review, in cooperation with the secretary of state, of applications for registration submitted by all persons who effect transactions in securities, including broker-dealers, agents, issuers, and investment advisors.

(b) The examination and audit of business records maintained by broker-dealers, agents, issuers, and investment advisors.

(c) The investigation, in cooperation with the attorney general, of those who effect transactions in securities, including broker-dealers, agents, issuers, and investment advisors, suspected of violations of this state's securities laws.

(d) The registration of all securities issued, offered or sold in this state, except for securities exempted under RSA 421-B:17.

400-A:43 Assistant Commissioner for Securities; Directors; Chief Investigator; Compensation.

I. The commissioner shall nominate the assistant commissioner for securities, the chief investigator, the director of the bureau of securities filings, and the director of the bureau of securities audits and examinations for appointment by the governor, with the consent of the council. The assistant commissioner for securities, the chief investigator, and the directors shall be qualified to hold their respective positions by reason of professional competence, education, and experience in the field of securities.

II. The terms of the assistant commissioner for securities, the chief investigator, and the directors shall be 4 years. The assistant commissioner for securities, the chief investigator, and the directors may succeed themselves, if reappointed.

III. The salaries of the assistant commissioner for securities, the chief investigator, and the directors shall be as specified in RSA 94:1-a.

400-A:44 Assistant Commissioner for Securities. There is established within the department the office of the assistant commissioner for securities, which shall be responsible for administrative



services concerning securities matters, including planning, public information, registration, and licensing. The assistant commissioner for securities shall be responsible for the following functions in accordance with applicable law:

I. Administrative services, which shall include the following services to the bureaus and to the office of investigations, to the greatest extent possible:

- (a) Accounting, purchasing, and budget control.
- (b) Personnel management.
- (c) Property, contracts, and grants management.
- (d) Data processing.

(e) Compiling, indexing, and managing data collected by all bureaus, which shall be used to establish a divisional data base for use by the office of investigations and the bureaus of the division, and which shall be a public record.

II. Planning, which shall be under the direct supervision of the assistant commissioner for securities and shall include all division-level short- and long-range planning activities and the coordination and compilation of all division-level planning activities.

III. Public information, registration, and licensing, which shall include all initial public contact relative to the licenses which RSA 421-B:6 requires be obtained by persons who transact business in this state as a broker-dealer; agent, issuer, or investment advisor; all initial public contact relative to the registration of securities as mandated by RSA 421-B:11; furnishing members of the general public with all license and registration applications and information needed for any project which comes under the jurisdiction of the division, as well as information as to any federal licenses which may be required; assisting members of the general public, whenever possible, to fill out applications for licenses or the registration of securities by directing them to the appropriate person; and generally providing members of the general public with all of the information necessary for meeting securities license and registration requirements, including information as to where to find the relevant federal laws, rules, and regulations. The assistant commissioner for securities shall provide for the review of all applications for licenses submitted by those who effect transactions in securities, including broker-dealers, agents, issuers, and investment advisors. The assistant commissioner for securities shall then forward all license applications, and his recommendations as to the disposition of such applications, to the commissioner for further action. The assistant commissioner for securities shall receive all applications for the registration of securities and shall forward all such applications, without recommendation, to the director of securities filings.

400-A:45 Office of Investigations. There is established within the division an office of investigations, under the supervision of an unclassified chief investigator. The chief investigator may be removed only as provided by RSA 4:1. He shall be responsible, in accordance with applicable laws, for conducting investigations, in cooperation with the attorney general, of persons who effect transactions in securities, including broker-dealers, agents, issuers, and investment advisors, in order to secure compliance with securities laws.

400-A:46 Bureau of Securities Audits and Examinations. There is established within the division the bureau of securities audits and examinations, under the supervision of an unclassified director of securities audits and examinations who shall be responsible for the following functions, in accordance with applicable law:

I. Conducting audits of the business records of those who effect transactions in securities, including broker-dealers, agents, issuers, and investment advisors in order to determine whether such persons are in continuous compliance with the securities laws of this state and the rules adopted by the commissioner.

II. Conducting full examinations of those persons who may be in violation of the securities laws of this state or the rules adopted by the commissioner, as evidenced by audits conducted pursuant to RSA 400-A:46, I.

III. Referring to the chief investigator any cases in which an audit or examination results in the discovery of evidence that the securities laws of this state or the rules adopted by the commissioner may have been knowingly violated through criminal activities.

IV. Recommending to the commissioner what administrative penalty should be imposed, pursuant to RSA 421-B:26.

V. Reviewing complaints concerning alleged violations of this state's securities laws filed against those who effect transactions in securities, including broker-dealers, agents, issuers, and investment advisors.

400-A:47 Bureau of Securities Filings. There is established within the division the bureau of securities filings, under the supervision of an unclassified director of securities filings who shall be responsible, in accordance with applicable laws, for registering all securities issued, offered, or sold in this state, except for securities exempted under RSA 421-B:17. The registration process may involve cross reference checks with the secretary of state.

400-A:48 Rulemaking Authority.

I. In consultation with and subject to the approval of the attorney general, the commissioner shall adopt rules, pursuant to RSA 541-

A, as he deems reasonable and necessary in order for the chief investigator to carry out properly the functions and responsibilities assigned the office of investigations under the laws of the state. This rulemaking authority shall expire on July 1, 1989, at which time this paragraph, unless replaced by a later legislative enactment, shall be deemed repealed.

II. Prior to January 1, 1989, the commissioner shall present proposed legislation containing a specific delegation of rulemaking authority to replace this section to the chairman of the joint legislative committee on administrative rules established under RSA 541-A and to the senate president and the speaker of the house of representatives, who may refer such proposed legislation to the appropriate standing committees. This proposed legislative delegation of rulemaking authority shall be drafted in as narrow a manner as possible, consistent with the need to provide the commissioner with sufficient authority to fulfill the regulatory role assigned to him under this subdivision and other laws of the state.

400-A:49 Investigatory Fund. There is established an investigatory fund. The commissioner may utilize the investigatory fund to employ additional personnel to assist the chief investigator in specific investigations, pursuant to RSA 400-A:10, III. Any portion of the investigatory fund which is not utilized by the commissioner pursuant to RSA 400-A:10, III, at the close of the fiscal year shall revert to the general fund.

400-A:50 Seal. The division shall have a seal which shall be like the seal of state, except the words, "Securities Division, New Hampshire", shall be substituted for the words "Seal of the State of New Hampshire, 1776". The commissioner shall attach the seal of the division to all certificates and other similar official papers issued by the division, and no further proof shall be required to authenticate the same when they are offered in evidence.

2 Administrative Penalty. Amend RSA 421-B:26 to read as follows:

421-B:26 Administrative Penalty.

I. Any person who knowingly violates any rule or order of the commissioner may, upon hearing, except where another penalty is expressly provided, be subject to such suspension or revocation of any registration or license, or administrative fine not to exceed \$2,500 in lieu of or in addition to such suspension or revocation as may be applicable under this title for violation of the provision to which such rule or order relates.

II. Any person who negligently violates any rule or order of the commissioner may, upon hearing, except where another penalty is expressly provided, be subject to such suspension, revocation, or denial of any registration or license, including the forfeiture of any application fee, or administrative fine not to exceed \$1,500 in lieu of or in addition to such suspension or revocation as may be applicable under this title for violation of the provision to which such rule or order relates.

3 Enforcement of Securities Laws; Orders, Notices. Amend the introductory paragraph of RSA 400-A:14, I to read as follows:

I. The commissioner shall issue upon hearing such prohibitory and mandatory orders as are reasonably necessary to secure compliance with insurance and securities laws[,] and rules[, and regulations]. Orders and notices of the commissioner shall be effective only when in writing signed by him or by his authority. Except as otherwise expressly provided by law as to particular orders, every order of the commissioner shall state its effective date and shall concisely state:

4 Annual Report; Securities Data. Amend RSA 400-A:26 to read as follows:

400-A:26 Annual Report. On or before November 1 in each year, the commissioner shall make a written report to the governor and council showing with respect to the preceding calendar year the receipts and expenses of the department for the year and such recommendations as he deems advisable. He shall also provide a statistical data report to the governor, council, and attorney general concerning the incidence of securities violations and other such matters.

5 Duties; Commissioner of Insurance and Securities. Amend RSA 400-A by inserting after section 3 the following new section:

400-A:3-a Duties of Commissioner. In addition to the powers, duties, and functions otherwise vested by law in the commissioner of insurance and securities, he shall:

I. Represent the public interest in the administration of the functions of the department and be responsible to the governor, the general court, and the public for such administration.

II. Have the authority to establish a unit within his office to provide for internal departmental administrative functions, including financial, personnel, and other management functions.

III. Require broker-dealers, agents, and investment advisors to report information as to their dealings with securities in such form



and upon such blanks as the commissioner may prescribe. All broker-dealers, agents, and investment advisors shall furnish the commissioner with the information required.

IV. Summon witnesses to appear and give testimony, and to produce books, records, papers, and documents relating to any securities matter which the commissioner has authority to investigate or determine.

V. Cause depositions of witnesses residing within or without this state, or absent from the state, to be taken in like manner as depositions of witnesses are taken in civil actions in the superior court, in any matter which the commissioner has authority to investigate or determine.

VI. Cooperate with the attorney general in civil actions and criminal proceedings, actions and prosecutions to enforce the laws relating to the liability and punishment of broker-dealers, agents, and investment advisors for failure to comply with the provisions of the laws of the state governing securities.

VII. Adopt rules, under RSA 541-A necessary to assure the continuation or granting of federal funds or other assistance intended to promote the administration of this chapter, not otherwise provided by law.

VIII. Collect and account for all fees, funds, and taxes levied upon any person subject to the jurisdiction of the department.

IX. Provide for, in consultation with the commissioner of the department of administrative services and the state treasurer, a system of accounts and reports which will ensure the integrity and lawful use of all fees, funds, and taxes collected by the department, the use of which is restricted by state or federal law.

X. Levy such administrative fines, pursuant to 421-B:26, as he believes warranted.

XI. Designate the person who shall act in his capacity in the event that he is incapacitated or unable to perform his duties. He shall designate the person to represent him on boards, commissions, committees, and professional associations.

XII. Exercise all of the powers and duties vested in commissioners by RSA 21-G.

XIII. Supervise and manage all operations of the department and administer and enforce the laws with which he or the department is charged.

6 Staff; Office of Investigations. Amend RSA 400-A:10 by inserting after paragraph II the following new paragraph:

III. Pursuant to this section, the commissioner may contract for and procure on a fee or independent contract basis such staff as the

office of investigations may, from time to time, need to conduct investigations. The commissioner may utilize any of the funds available in the investigatory fund, as provided by RSA 400-A:49, to employ additional personnel to assist the chief investigator in specific investigations.

7 Initial Terms. Notwithstanding RSA 400-A:43, II, the initial terms of the assistant commissioner for securities and the director of securities audits and examinations shall terminate on March 31, 1990. The initial terms of the chief investigator and the director of securities filings shall terminate on March 31, 1992.

8 Salaries. Amend RSA 94:1-a, I, Group O, by inserting the following:

Chief investigator, division of securities, department of insurance and securities.

Director of securities filings, division of securities, department of insurance and securities.

Assistant commissioner for securities, division of securities, department of insurance and securities.

Director of securities audits and examinations, division of securities, department of insurance and securities.

9 Repeals. RSA 400-A:6, IV, and V, relative to duties of the assistant to the commissioner for securities, are repealed.

10 Appropriation. The sum of \$679,978 is hereby appropriated to the division of securities, department of insurance and securities, for each of the fiscal years ending June 30, 1988, and June 30, 1989, for the purposes of this act. Of each such sum, \$100,000 shall be used solely for the investigatory fund as provided in RSA 400-A:49. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

11 Fraudulent, Deceptive or Manipulative Practices. Amend RSA 421-A:8 by inserting after paragraph II the following new paragraph:

III. No offeror shall exercise the voting power of shares acquired after the filing of a registration statement (or without the filing of a registration statement when a registration statement is required) until the issuance of an order of the commissioner pursuant to RSA 421-A:6.

12 Definitions; Takeover Bid. Amend the introductory paragraph of RSA 421-A:2, VI to read as follows:



VI. "Takeover bid" means the acquisition of, offer to acquire, or request of invitation for tenders of an equity security of a corporation organized under the laws of this state or having its principal place of business within this state or having its principal executive office within this state or which is the parent of a subsidiary incorporated under New Hampshire law, if after acquisition thereof the offeror would, directly or indirectly, be a record or beneficial owner of more than 5 percent of any class of the issued and outstanding equity securities of such corporation.

13 Definitions; Target Company. RSA 421-A:2, VII is repealed and reenacted to read as follows:

VII. "Target company" means a corporation whose securities are or are to be the subject of a takeover bid and which, directly or through subsidiaries, has assets in this state of at least \$1,000,000 and:

(a) More than 10 percent of its shareholders resident in New Hampshire; or

(b) More than 10 percent of its shares owned by New Hampshire residents; or

(c) More than 100 shareholders resident in New Hampshire.

14 New Section; Reconciliation with Other Laws. Amend RSA 421-A by inserting after section 16 the following new section:

421-A:17 Reconciliation with Other Laws. If any provision of this chapter otherwise applicable to a takeover bid for a target company organized under the law of another jurisdiction is inconsistent with a provision of a statute regulating takeovers of such other jurisdiction such that either (a) compliance with the provision of such other law would be impossible or (b) the provision of this chapter would impose greater restrictions on the offeror, the target company, or shareholders of the target company with respect to such takeover bid, then such provision of this chapter shall be inapplicable to such takeover bid; provided, further, that the foregoing provisions of this paragraph shall be inapplicable in the case of any provision of a statute of another jurisdiction if such provision of such statute, or such statute as a whole, has been held or declared unconstitutional under the United States Constitution or otherwise illegal or invalid by the highest court of such other jurisdiction or by a United States federal court having jurisdiction, which holding or declaration has not been reversed on reconsideration or appeal.

15 Reinstatement of Bethlehem Mink Farm, Inc. The charter of Bethlehem Mink Farm, Inc. of Bethlehem, New Hampshire, incor-

porated on July 31, 1940, was forfeited on November 3, 1986, under RSA 293-A:95, I(a). Upon payment of any fees in arrears plus a reinstatement fee of \$50, and by filing with the secretary of state any annual reports required by law, Bethlehem Mink Farm, Inc. shall be hereby reinstated for all purposes as a New Hampshire corporation, and this reinstatement shall be retroactive to November 3, 1986.

16 Expense of Examinations. Amend RSA 421-B:9, VII to read as follows:

VII. The broker-dealer or other person examined pursuant to this section shall bear the expense of the examination. Such expense shall be limited to a reasonable per diem allowance for compensation and expenses as determined by the commissioner. [Provided, however, that if upon examination of any person specified in subparagraph II(a) of this section the commissioner shall determine that such person is not in violation of the provisions of this chapter or applicable rules, the expense of the examination shall be borne by the department.]

17 Fees. Amend RSA 421-B:31, I(g) to read as follows:

(g) Registration fee for securities offered in this state [one-tenth] 2/10 of one percent of the offering value of the issue provided said fee shall not be more than \$1,050.

18 Name Change; Department of Insurance Changed to Department of Insurance and Securities. The name of the department of insurance is hereby changed to the department of insurance and securities. The title of commissioner of insurance is hereby changed to commissioner of insurance and securities.

19 Authority to Conform Laws. The director of legislative services is hereby authorized, with the approval of the speaker of the house and the president of the senate, to make changes in the printed version of all laws and rules, and all legislation enacted by the 1987 session of the general court that may be necessary for the purpose of conforming the language of such laws, rules or legislation to the language of this act, provided that no substantive changes may thereby be made. Such authority shall expire upon the printing of the 1987 session laws.

20 Program Appropriation Unit Created. There is hereby created within the department of insurance and securities a program appropriation unit for the insurance and securities department - securities division.

21 Effective Date. This act shall take effect upon its passage.

*Conferees on the Part  
of the Senate*

Sen. Delahunty, Dist. 22  
Sen. Blaisdell, Dist. 10  
Sen. Freese, Dist. 4

*Conferees on the Part  
of the House*

Rep. Palumbo, Rock. 10  
Rep. Packard, Hills. 15  
Rep. McCain, Rock. 11  
Rep. Copenhaver, Graf. 12

Senator Delahunty moved to adopt the committee report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 355-FN

The committee of conference to which was referred House Bill 355-FN-A, An Act relative to the assumption of local probation functions by the state and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 170-G:15 as inserted by section 6 of the bill by replacing it with the following:

170-G:15 Assignment of Juvenile Services Officers. The director shall, through rules adopted pursuant to RSA 541-A, assign permanent juvenile services officers to each judicial district consistent with the workload formula established by the division in consultation with the New Hampshire Judges Association, and subject to the approval of the presiding justice.

Amend RSA 169-B:22 as inserted by section 21 of the bill by replacing it with the following:

169-B:22 Disposition of Educationally Handicapped Minor. At any point during the proceedings, the court may, either on its own motion or that of any other person, and if the court contemplates a residential placement, the court shall immediately, join the legally liable school district for the limited purposes of directing the school district to determine whether the minor is educationally handi-

capped as defined in RSA 186-C or of directing the school district to review the services offered or provided under RSA 186-C, if the minor has already been determined to be educationally handicapped. Once joined as a party, the legally liable school district shall have full access to all records maintained by the district court under this chapter and shall make a recommendation to the court as to where the child's educational needs can best be met. In cases where the court does not follow the school district's recommendation, the court shall issue written findings explaining why the recommendation was not followed. If the school district finds or has found that the minor is educationally handicapped, or if it is found that the minor is educationally handicapped on appeal from the school district's decision in accordance with the due process procedures of RSA 186-C, the school district shall offer an appropriate educational program and placement in accordance with RSA 186-C. Financial liability for such education program shall be as determined in RSA 186-C:19-b.

Amend RSA 169-C:20, as inserted by section 22 of the bill by replacing it with the following:

169-C:20 Disposition of Educationally Handicapped Child. At any point during the proceedings, the court may, either on its own motion or that of any other person, and if the court contemplates a residential placement, the court shall immediately, join the legally liable school district for the limited purposes of directing the school district to determine whether the [minor] child is educationally handicapped as defined in RSA 186-C or of directing the school district to review the services offered or provided under RSA 186-C if the [minor] child had already been determined to be educationally handicapped. Once joined as a party, the legally liable school district shall have full access to all records maintained by the district court under this chapter and shall make a recommendation to the court as to where the child's educational needs can best be met. In cases where the court does not follow the school district's recommendation, the court shall issue written findings explaining why the recommendation was not followed. If the school district finds or has found that the [minor] child is educationally handicapped, or if it is found that the [minor] child is educationally handicapped on appeal from the school district's decision in accordance with the due process procedures of RSA 186-C, the school district shall offer an appropriate educational program and placement in accordance with RSA 186-C. Financial liability for such education program shall be as determined in RSA 186-C:19-b.

Amend RSA 169-D:18 as inserted by section 23 of the bill by replacing it with the following:

169-D:18 Disposition of Educationally Handicapped Child. At any point during the proceedings, the court may, either on its own motion or that of any other person, and if the court contemplates a residential placement, the court shall immediately, join the legally liable school district for the limited purposes of directing the school district to determine whether the [minor] child is educationally handicapped as defined in RSA 186-C or of directing the school district to review the services offered or provided under RSA 186-C if the [minor] child has already been determined to be educationally handicapped. Once joined as a party, the legally liable school district shall have full access to all records maintained by the district court under this chapter and shall make a recommendation to the court as to where the child's educational needs can best be met. In cases where the court does not follow the school district's recommendation, the court shall issue written findings explaining why the recommendation was not followed. If the school district finds or has found that the [minor] child is educationally handicapped, or if it is found that the [minor] child is educationally handicapped on appeal from the school district's decision in accordance with the due process procedures of RSA 186-C, the school district shall offer an appropriate educational program and placement in accordance with RSA 186-C. Financial liability for such educational program shall be as determined in RSA 186-C:19-b.

Amend RSA 186-C:19-b, I and II as inserted by section 25 of the bill by replacing them with the following:

I. As used in this section "children in placement for which the division for children and youth services has financial responsibility" means all children receiving special education or special education and educationally related services whose placements were made pursuant to RSA 169-B, 169-C or 169-D, except children at the youth development center and children placed at the Philbrook center while awaiting disposition of the court following arraignment pursuant to RSA 169-B:13.

II. The school district liability for expenses for special education or for special education and educationally related services for an educationally handicapped child in placement for which the division for children and youth services has financial responsibility shall be limited to 3 times the state average cost per pupil, as determined by the state board of education for the preceding school year. The liability of a school district under this section shall be prorated if the



placement is for less than a full school year and the district shall be liable for only the prorated amount. This section shall not limit a school district's financial liability for children who receive special education or special education and educationally related services in a public school or program identified in RSA 186-C:10.

(a) Any costs of special education or special education and educationally related services in excess of 3 times the state average cost per pupil shall be the liability of the department of education. Costs for which the department of education is liable under this section shall be paid to education service providers by the department of education. The department of education shall develop a mechanism for allocating the funds appropriated for the purposes of this section.

(b) The division for children and youth services shall be liable for all court-ordered costs pursuant to RSA 169-B:40, 169-C:27, and 169-D:29 other than for special education or special education and educationally related services.

Amend the bill by replacing section 28 with the following:

28 Joint committee to Study Services Provided to Children. There is hereby established a joint committee to study and monitor all aspects of services provided to children through the division for children and youth services. The committee shall consist of 2 members of the house appropriations committee and 2 members of the house children, youth and elderly affairs committee, who shall be appointed by the speaker of the house, and 4 members of the senate who shall be appointed by the senate president. The committee shall examine the division's changing needs and the efficiency of the division's implementation of legislative programs. The committee shall also examine all financial aspects of the operations of the division. The division for children and youth services shall establish and operate a case financial tracking and management system for the most expensive 10 percent of its cases and shall report quarterly to the committee on the results thereof. The joint committee shall report by January 1 of each year on its findings and activities to the speaker of the house and the senate president.

Amend RSA 169-B:40, I(b) as inserted by section 29 of the bill by replacing it with the following:

(b) Subparagraph (a) shall not apply to expenses incurred for special education and educationally related services.

Amend RSA 169-C:27, I(b) as inserted by section 31 of the bill by replacing it with the following:



(b) Subparagraph (a) shall not apply to expenses incurred for special education and educationally related services.

Amend RSA 169-D:29, I(b) as inserted by section 33 of the bill by replacing it with the following:

(b) Subparagraph (a) shall not apply to expenses incurred for special education and educationally related services.

Amend RSA 169-B:40, V as inserted by section 30 of the bill by replacing it with the following:

V. The county which is responsible for reimbursing the state under paragraph IV is authorized to collect, on behalf of the division, payments from persons or entities which are ordered to reimburse the division under paragraph I, or which are chargeable by law for the minor's support and necessities. Any amounts collected by the county pursuant to this paragraph shall be forwarded to the division, which, in turn, shall apply 25 percent of the amounts collected to reduce the county's liability under paragraph IV. The county may deduct reasonable administrative expenses directly associated with collections under this paragraph, subject to the approval of the director, division for children and youth services. The director may adopt rules, pursuant to RSA 541-A, relative to this paragraph.

Amend RSA 169-C:27, V as inserted by section 32 of the bill by replacing it with the following:

V. The county which is responsible for reimbursing the state under paragraph IV is authorized to collect, on behalf of the division, payments from persons or entities which are ordered to reimburse the division under paragraph I, or which are chargeable by law for the minor's support and necessities. Any amounts collected by the county pursuant to this paragraph shall be forwarded to the division, which, in turn, shall apply 25 percent of the amounts collected to reduce the county's liability under paragraph IV. The county may deduct reasonable administrative expenses directly associated with collections under this paragraph, subject to the approval of the director, division for children and youth services. The director may adopt rules, pursuant to RSA 541-A, relative to this paragraph.

Amend RSA 169-D:29, V as inserted by section 34 of the bill by replacing it with the following:

V. The county which is responsible for reimbursing the state under paragraph IV is authorized to collect, on behalf of the division, pay-

ments from persons or entities which are ordered to reimburse the division under paragraph I, or which are chargeable by law for the minor's support and necessities. Any amounts collected by the county pursuant to this paragraph shall be forwarded to the division, which, in turn, shall apply 25 percent of the amounts collected to reduce the county's liability under paragraph IV. The county may deduct reasonable administrative expenses directly associated with collections under this paragraph, subject to the approval of the director; division for children and youth services. the director may adopt rules, pursuant to RSA 541-A, relative to this paragraph.

Amend chapter 169-F:4 as inserted by section 35 of the bill by deleting it.

Amend the bill by replacing section 43 with the following:

43 Appropriation. The sums of \$542,504 in general funds, \$180,835 in county funds, and \$253,861 in federal funds are hereby appropriated for the fiscal year ending June 30, 1988, and like sums for the fiscal year ending June 30, 1989, to the division for children and youth services for the purpose of increasing the compensation for foster family homes during the biennium. This appropriation shall be used for a 40 percent increase in the existing basic care and special needs rate for children aged 0-5, for a 60 percent increase in the existing basic care and special needs rate for children aged 6-18, and for an additional 20 emergency care beds. This amount appropriated is in addition to the amount allotted to the division for such payments during the annual budget process. The governor is authorized to draw his warrant for said sums out of the appropriate funds.

Amend RSA 170-E:24, III as inserted by section 44 of the bill by replacing it with the following:

III. Four members of the senate, appointed by the senate president.

Amend RSA 170-E:25 as inserted by section 44 of the bill by replacing it with the following:

170-E:25 Duties.

I. The committee shall study the means of recruitment of appropriate foster families.

II. The committee shall study the initial and ongoing training of foster families.

III. The committee shall examine the availability of ongoing support provided by the division for children and youth services to foster families.

IV. The committee shall review annually the sufficiency of foster family allowances.

V. The committee shall make recommendations concerning changes in any of the above areas.

Amend the bill by replacing section 45 with the following:

45 Effective Date.

I. Sections 1-15 and 20 of this act shall take effect January 1, 1988.

II. Sections 16-19, 21-26, and 40-42 of this act shall take effect July 1, 1987.

III. Sections 29, 31, and 33 of this act shall take effect July 1, 1988.

IV. Section 39 of this act shall take effect upon its passage.

V. The remainder of this act shall take effect 60 days after its passage.

Amend the bill deleting sections 37 and 41 and renumbering sections 38-40 to read as follows:37,38,39; and sections 42-45 to read as follows:40,41,42, and43, respectively.

*Conferees on the Part  
of the Senate*

Sen. Podles, Dist. 16

Sen. White, Dist. 11

Sen. Nelson, Dist. 13

*Conferees on the Part  
of the House*

Rep. Palumbo, Rock. 10

Rep. Lozeau, Hills. 25

Rep. Robinson, Hills. 12

Rep. Wallner, Merr. 18

Senator Podles moved to adopt the committee report.

Adopted.

#### COMMITTEE OF CONFERENCE REPORT ON HB 348-FN-A

The committee of conference to which was referred House Bill 348-FN-A, An Act relative to the division for children and youth services and appropriating funds for certain employee benefits, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

*Conferees on the Part  
of the Senate*

Sen. White, Dist. 11  
Sen. Bond, Dist. 1  
Sen. Nelson, Dist. 13

*Conferees on the Part  
of the House*

Rep. Jones, Straf. 6  
Rep. Wheeler, Hills. 10  
Rep. Bean, Graf. 13  
Rep. Wallner, Merr. 18

Senator White moved to adopt the committee report.

Adopted.

**COMMITTEE OF CONFERENCE REPORT ON HB 433**

HB 433, Relative to the termination of county employees.

Senator Freese moved to adopt the committee report.

SENATOR NELSON: The title of this bill is; an act relative to the termination of county employees, having considered the same, report the same with the following recommendation. Amend the bill by replacing all after section one with the following, this is the discharge of suspension collective bargaining agreement. This says this. This, what I read here, is what this bill is?

SENATOR FREESE: This is an amendment to the bill.

Motion Failed.

Senator Preston moved to non-concur to committee report.

Adopted.

**COMMITTEE OF CONFERENCE REPORT ON HB 479**

HB 479, Relative to delaying condominium conversions following certain rental increases.

Senator Heath moved to non-concur to committee report, requests new committee of conference.

Adopted.

The Chair appointed Senators: White, Heath and Stephen.

**COMMITTEE OF CONFERENCE REPORT ON HB 554-FN**

The committee of conference to which was referred House Bill 554-FN, An Act to revise municipal tax sale practices having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 80:67 as inserted by section 1 of the bill by replacing it with the following:

80:67 Fees for Notice. The municipality, county or state which has acquired the lien as executed by the collector of taxes shall recover upon redemption, for each notice or each name on a listing sent or given to a mortgagee, \$10, together with expenses for searching the registry of deeds records to determine if mortgages exist on all property listed on the execution of the tax lien document. Said expenses for the search shall be totaled and divided pro rata among the delinquent accounts. Expenses for sending the notice by certified or registered mail, return receipt requested, or mileage each way at \$.25 per mile to serve the notice, shall also be included.

Amend RSA 80:80 as inserted by section 1 of the bill by inserting after paragraph IV the following new paragraph:

V. Towns and cities may retain and hold for public uses real property the title to which has been acquired by them by tax collector's deed, upon vote of the town meeting or city council approving the same.

Amend RSA 80:85 as inserted by section 1 of the bill by replacing it with the following:

80:85 Lien Procedure; Land Use Change Tax. All land use change tax assessments levied under RSA 79-A:7 shall create a lien upon the lands on account of which they are made and against the owner of record of the said land on the date of the change in use. Furthermore, such liens shall continue for a period of 18 months following the assessment, and such assessment shall be subject to the real estate tax lien procedure by the tax collector prescribed by RSA 80:59.

Amend RSA 80:87 as inserted by section 1 of the bill by replacing it with the following:

80:87 Procedure for Adoption.

I. Any town or city may adopt the provisions of RSA 80:58-86 for a real estate tax lien procedure in the following manner:



(a) In a town, the question shall be placed on the warrant of a special or annual town meeting under the procedures set out in RSA 39:3, and shall be voted on by ballot. In a city, the legislative body may consider and act upon the question in accordance with their normal procedures for passage of resolutions, ordinances and other legislation. The legislative body of a city may vote to place the question on the official ballot for any regular municipal election, or, in the alternative, shall place the question on the official ballot for any regular municipal election upon submission to the legislative body of a petition signed by 5 percent of the registered voters.

(b) The selectmen or city council shall hold a public hearing on the question at least 15 days but not more than 30 days before the question is to be voted on. Notice of the hearing shall be posted in at least 2 public places in the municipality and published in a newspaper of general circulation at least 7 days before the hearing.

(c) The wording of the question shall be: "Shall we adopt the provisions of RSA 80:58-86 for a real estate tax lien procedure? These statutes provide that tax sales to private individuals for nonpayment of property taxes on real estate are replaced with a real estate tax lien procedure under which only a municipality or county where the property is located or the state may acquire a tax lien against land and buildings for unpaid taxes."

II. If a majority of those voting on the question vote "Yes", RSA 80:58-86 shall apply within the town or city on the date set by the town selectmen or city council; provided, however, that upon adoption the provisions of RSA 80:58-86 shall in no event apply earlier than January 1, 1988, and no later than the next January 1 following approval of the question.

III. If RSA 80:58-86 are adopted by a town or city, the provisions of RSA 80 relative to tax sales shall not apply to that municipality.

IV. If the question is not approved, the provisions of RSA 80 relative to tax sales for nonpayment of property taxes shall remain in effect.

V. (a) Any town or city which has adopted RSA 80:58-86 may consider rescinding its action in the manner described in RSA 80:87, I(a) and (b). The wording of the question shall be the same as set out in RSA 80:87, I(c), except the word "adopt" shall be changed to "rescind."

(b) If a majority of those voting on the question vote "Yes", then as of the next January 1, RSA 80:58-86 shall not apply within the town or city. As of the same date, the provisions of RSA 80 relative to tax sales for nonpayment of property taxes shall apply.



Amend RSA 80:20-a as inserted by section 2 of the bill by replacing it with the following:

80:20-a Alternate Tax Lien Procedure. In any town or city which adopts the provisions of RSA 80:58-86 for a real estate tax lien procedure as provided in RSA 80:87, the provisions of RSA 80 relative to tax sales shall not apply. In such municipalities, only a municipality, county, or the state where the property is located may acquire a tax lien against land and buildings for unpaid taxes, and tax sales to private individuals shall be prohibited.

Amend RSA 498:5-d, II as inserted by section 3 of the bill by replacing it with the following:

II. If the provisions of RSA 80:58-86 are adopted by a municipality as provided in RSA 80:87, the provisions of paragraph I relative to tax sales shall not apply.

*Conferees on the Part  
of the Senate*

Sen. St. Jean, Dist. 20  
Sen. Dupont, Dist. 6  
Sen. Podles, Dist. 16

*Conferees on the Part  
of the House*

Rep. Grodin, Ches. 6  
Rep. Bates, Straf. 1  
Rep. West, Merr. 21  
Rep. Gage, Hills. 6

Senator Podles moved to adopt the committee report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 629

The committee of conference to which was referred House Bill 629-FN, An Act relative to the administration and investments of the New Hampshire retirement system, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

*Conferees on the Part  
of the Senate*

Sen. Delahunty, Dist. 22

Sen. Freese, Dist. 4

Sen. Blaisdell, Dist. 10

*Conferees on the Part  
of the House*

Rep. Hawkins, Belk. 5

Rep. Campbell, Belk. 5

Rep. MacDonald, Carr. 6

Rep. Richardson, Belk. 10

Senator Delahunty moved to adopt the committee report.

Adopted.

## COMMITTEE OF CONFERENCE REPORT ON HB 641

The committee of conference to which was referred House Bill 641, An Act relative to various motor vehicle laws having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 261:53, III as inserted by section 2 of the bill by replacing it with the following:

III. Upon receipt of satisfactory evidence of the death of the person who signed the application of a minor for registration, the division may suspend such registration and, upon suspension, shall not issue a new registration until such time as a new application, duly signed and verified, is made as required by this section.

Amend RSA 263:56, III as inserted by section 7 of the bill by replacing it with the following:

III. The director shall not revoke or suspend a driver's license under the provisions of this section for a period in excess of one year[.] except:

(a) In the case of a person whose license is suspended or revoked pursuant to RSA 263:56, I(g) the director may suspend or revoke a license for not more than 3 years.

(b) In the case of a person whose license is suspended or revoked pursuant to RSA 263:56, I(d) by reason of physical or mental impairment the director may suspend or revoke a license indefinitely provided that the person may request a hearing once every year thereafter for the purpose of reviewing the original order.

Amend the bill by replacing all after section 15 with the following:

16 Weight Limit Increased. Amend RSA 259:59 to read as follows:  
259:59 Motor Truck. "Motor truck" shall mean any truck of greater than [18,000] 26,000 pounds manufacturer's gross vehicle weight rating or any motor vehicle equipped with other than pneumatic tires. The commissioner of safety may adopt rates under RSA 541-A to alter this weight limit to conform with federal statutes or regulations, provided that the limit does not exceed 26,000 pounds.

17 Emergency Lights for Postal Service Vehicles. Amend RSA 266:74 to read as follows:

266:74 Emergency Lights. It shall be unlawful for any motor vehicle equipped with an emergency light to be driven on the ways of the state. This provision shall not apply to vehicles of law enforcement officers, forestry departments, fire departments, volunteer ambulance drivers, volunteer members of fire departments, state, city or town highway or public works departments, public utilities, wreckers, public or private ambulances, private snow removal vehicles, emergency highway service vehicles, postal service vehicles, and such other vehicles as determined by the director. Emergency lights shall not be in operation except during an emergency, and in the case of private snow removal vehicles, while such vehicle is actively in use in snow removal, and, in the case of postal service vehicles, while such vehicle is actively engaged in delivering mail. Blue colored lights shall only be used on law enforcement vehicles. When blue colored lights are installed on a private vehicle belonging to a law enforcement officer, such lights shall be covered when the vehicle is being driven by someone other than a law enforcement officer. The director by rule adopted pursuant to RSA 260:5 shall determine the location, color and method of use of emergency lights.

18 Safety Chains for Wreckers. Amend RSA 266:108 to read as follows:

266:108 Wrecker Safety Chains. Every wrecker shall be equipped with an additional safety chain with minimum requirements of 3/8 inch HY-TEST chain for towed vehicles up to and including [one ton] 11,000 pounds gross vehicle weight, and 1/2 inch HY-TEST chain for towed vehicles over [one ton] 11,000 pounds gross vehicle weight. This safety chain shall be used at all times when the wrecker has a vehicle in tow upon a way, for the purpose of keeping the towed

vehicle under control in the event the normal hook-up malfunctions. All wreckers shall operate within the recommended manufacturer's safety policies and procedures.

19 Penalty for Violating Wrecker Laws. Amend RSA 266 by inserting after section 111 the following new section:

266:112 Penalty. Any person who drives a wrecker on the ways of this state in violation of the provisions of RSA 266:108, RSA 266:109, or RSA 266:110 shall be guilty of a violation.

20 Tires; Interstate and Defense Highway System. Amend RSA 266:18, I(a) to read as follows:

(a) [600 pounds per inch of width of tire.] The manufacturer's load rating for the tires.

21 Tires; Non-interstate and General Highway System. Amend RSA 266:18-a, I(a) to read as follows:

(a) [600 pounds per inch of width of tire.] The manufacturer's load rating for the tires.

22 Tires; Vehicles with Additional Registration. Amend RSA 266:18-b, I to read as follows:

I. [Maximum tire and axle gross weights allowable: 600 pounds per inch of width of tire.] The maximum gross weights allowable for tires shall be the manufacturer's load rating for the tire.

23 Chapter Title; Seeing Eye Dogs. Amend the title of chapter 167-D to read as follows:

## HEARING EAR DOGS AND SEEING EYE DOGS

24 New Paragraphs; Definitions. Amend 167-D:1 by inserting after paragraph V the following new paragraphs:

VI. "Blind or visually impaired person" means any person whose vision is so severely impaired that he is unable to see adequately, and who must rely primarily on supportive devices such as a white cane, or on Braille symbols.

VII. "Seeing eye dog trainer" means any person who is employed by an organization generally recognized by agencies involved in the rehabilitation of blind and visually impaired as reputable and competent to provide dogs with training, and who is actually involved in the training process.

25 Seeing Eye Dogs. Amend RSA 167-D:3-8 to read as follows:

167-D:3 Dogs May Accompany. It is lawful for any hearing ear dog or seeing eye dog to accompany his deaf or hearing impaired or blind or visually impaired master into any public facility, housing accommodation, or place of public accommodation to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

167-D:4 Hearing Ear Dog or Seeing Eye Dog Trainer. A hearing ear dog or seeing eye dog trainer, while engaged in the actual training process and activities of [hearing ear] such dogs, shall have the same rights and privileges with respect to access to public facilities, and the same responsibilities as are applicable to a deaf or hearing impaired or blind or visually impaired person.

167-D:5 Hearing Ear Dog or Seeing Eye Dog Identified. Any deaf or hearing impaired or blind or visually impaired person using a hearing ear dog or seeing eye dog shall provide the dog with a bright yellow leash and harness.

167-D:6 Licensing. Hearing ear dogs and seeing eye dogs shall be licensed as provided in RSA 466.

167-D:7 Prohibited Acts.

I. It is unlawful for a person, directly or indirectly, either to prohibit, hinder, or interfere with a [deaf or] visually or hearing impaired master who otherwise complies with the limitations applicable to persons with normal hearing[.] or sight.

II. It is unlawful for any person to fit a dog with a collar, leash, or harness of the type which represents that the dog is a hearing ear dog or seeing eye dog, if in fact said dog is not and to thus use the dog to misrepresent the physical status of said person.

167-D:8 Nonuse of a Hearing Ear Dog or Seeing Eye Dog. A deaf or hearing impaired or blind or visually or person not using a guide dog in any of the places, accommodations or conveyances listed in RSA 167-D shall have all of the rights and privileges conferred by law upon other persons; and the failure of a deaf or hearing impaired or blind or visually impaired person to use a hearing ear dog or seeing eye dog in those places, accommodations or conveyances shall not be held to constitute nor be evidence of contributory negligence.

26 Motor Vehicle Registration Fees; Additional Fees Charged by Municipal Agents. Amend RSA 261:74-d to read as follows:

261:74-d Additional Fees Charged by Agents. Each registration agent [shall] may charge an applicant [\$1.50] not more than \$2.50 in



addition to the fees otherwise required to issue, renew or transfer a motor vehicle registration. This fee shall be retained either by the municipality if the registration agent receiving the fee is on salary to the municipality, or by the agent himself if he is not on salary to the municipality but is paid on a fee basis.

27 New Section; Motor Vehicles; Truck Axle Length Limit; Waiver. Amend RSA 266 by inserting after section 24 the following new section:

266:24-a Truck Axle Length; Waiver. Notwithstanding any other provision of this subdivision, the commissioner of safety shall have authority to waive the maximum lengths between axles of trucks provided for under this subdivision when the commissioner finds that such waiver will not adversely affect the safety of the users of the state's interstate, defense, non-interstate, and general highway system.

28 Minor's License; Cancellation Optional. Amend RSA 263:18 to read as follows:

263:18 Cancellation of Minor's License. Upon receipt of satisfactory evidence of the death of the person who signed the application of a minor for a license as required by RSA 263:17, the division [shall] may cancel such license and, upon such cancellation, shall not issue a new license until such time as a new application, duly signed and verified, is made as required by this chapter.

29 Study Committee. There is established a study committee to review issuance of special license plates, decals, cards, and tags to persons with walking disabilities as provided under RSA 262:88. The study committee shall be composed of 7 members: 3 members of the house of representatives, appointed by the speaker of the house; 3 members of the senate, appointed by the president of the senate; and the commissioner of safety or his designee. The committee shall submit a report, with legislative recommendations, to the senate president and speaker of the house not later than December 15, 1987.

30 Issuance of Decals to Walking Disabled Persons Required. Notwithstanding any other provision of law, the commissioner of safety shall issue decals as provided under RSA 261:88, I upon request of persons eligible for such decals under that section, until December 31, 1987.



31 Effective Date. This act shall take effect 60 days after its passage.

*Conferees on the Part  
of the Senate*

Sen. Preston, Dist. 23  
Sen. Johnson, Dist. 17  
Sen. Torr, Dist. 21

*Conferees on the Part  
of the House*

Rep. Hoar, Rock. 6  
Rep. G. Katsiakoris, Rock. 7  
Rep. Nelson, Coos. 8  
Rep. Haynes, Rock. 9

Senator Preston moved to adopt the committee report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 695-FN

The committee of conference to which was referred House Bill 695-FN, An Act relative to committal orders for persons found not guilty by reason of insanity having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after section 1 with the following:

2 Task Force to Study Involuntary Admissions of Developmentally Impaired. The task force on involuntary treatment shall study the current laws regarding involuntary treatment and involuntary admissions of developmentally impaired persons and make recommendations for any necessary corrective legislation to the speaker of the house, the president of the senate, and the governor no later than October 1, 1987.

3 Contingent Provision. If HB 692-FN, an act establishing an involuntary treatment task force becomes law, section 2 of this act shall take effect on the date such act takes effect. If HB 692-FN does not become law, section 2 of this act shall not take effect.

4 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. Section 2 of this act shall take effect as provided in section 3 of this act.

III. The remainder of this act shall take effect upon its passage.

*Conferees on the Part  
of the Senate*

Sen. Podles, Dist. 16  
Sen. White, Dist. 11  
Sen. Preston, Dist. 23

*Conferees on the Part  
of the House*

Rep. Robinson, Straf. 4  
Rep. Lozeau, Hills. 25  
Rep. Hess, Merr. 9  
Rep. Dwyer, Hills. 41

Senator Podles moved to adopt the committee report.

Adopted.

### COMMITTEE OF CONFERENCE REPORT ON HB 725

The committee of conference to which was referred House Bill 725, An Act relative to the attorney general, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 14 with the following:

14 Repayment. Amend RSA 604-A:9, I to read as follows:

I. Any defendant who is convicted of any offense whose sentence does not include actual incarceration in the state prison and who has had counsel or a public defender assigned to him at the expense of the state shall, at the time of sentencing, be ordered by the court to repay the state, through the department of corrections, all fees and expenses paid on his behalf on such terms as the court may order, consistent with the defendant's present or future ability to pay. The court shall enter a separate order pursuant to this section setting forth the terms of repayment of fees and expenses to the state, in whole or in partial payments, or if the court finds that the defendant is financially unable to make such payment or payments, setting forth the reasons therefor. A copy of each such order shall be forwarded to the commissioner of administrative services. Any defendant subject to an order under this section may petition the court for relief from the obligation imposed by this section, which petition may be granted only upon a finding that the defendant is unable to comply with the terms of the court's order or any modification thereof.

15 Repayment. Amend RSA 604-A:9, V to read as follows:

V. The state may seek recovery of expenses paid on behalf of any defendant whose sentence includes incarceration in the state prison within [3] 6 years from the time such person is released from the state prison, and upon such petition the superior court shall order repayment, unless the court finds that the defendant is unable to comply with the terms of any order for repayment or any modified order for repayment.

16 New Paragraphs; Repayment. Amend RSA 604-A:9 by inserting after paragraph V the following new paragraphs:

VI. At any time within 6 years of the disposition of an action in which the court finds at the time of sentence or thereafter that the defendant is not able to make payments to the state as provided in paragraph I, the state may petition the court for an order of repayment. The court shall order such repayment in whole or in partial payments, unless the court finds the defendant is unable to pay, in whole or in partial payments, the amounts paid on his behalf for fees and expenses pursuant to this chapter. Notice of each such order shall be forwarded to the commissioner of administrative services.

VII. The commissioner of administrative services, with the approval of governor and council, is authorized to enter into contracts to secure the repayment of fees and expenses paid by the state as provided for in this section. Any person or entity with whom the commissioner so contracts may bring any legal or equitable action authorized by law, including any petition authorized by this section, to secure an order for repayment, or repayment pursuant to any order, of fees and expenses paid by the state which are recoverable by the state under this section. The contract or contracts authorized by this paragraph may include provisions by which the contractor may, as consideration in whole or in part for services, receive a percentage of the amounts recovered on behalf of the state.

17 Contract Attorneys. Amend RSA 604-A:2-b to read as follows:

604-A:2-b Contract Attorneys. The state of New Hampshire, by the judicial council and with the approval of governor and council, may, within the limits of available appropriations, contract with any qualified attorney in the state to provide for the representation of indigents in circumstances where, pursuant to RSA 604-B, the public defender program is unavailable to provide such representation. In addition to such contracts entered into by the judicial council, the commissioner of administrative services may, within the limits of available appropriations, contract with any qualified attorney in the

state to provide for the representation of indigents. The commissioner of administrative services shall authorize payments to contract attorneys provided for under this section.

18 Effective Date.

I. Section 1-11 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect July 1, 1987.

*Conferees on the Part  
of the Senate*

Sen. Bartlett, Dist. 19

Sen. Dupont, Dist. 6

Sen. Stephen, Dist. 18

*Conferees on the Part  
of the House*

Rep. McCain, Rock. 11

Rep. Fillion, Merr. 15

Rep. Pelley, Straf. 10

Rep. Torr, Straf. 6

Senator Stephen moved to adopt the committee report.

Adopted.

Recess

Out of Recess

## RECONSIDERATION

Senator Heath moved reconsideration on our actions regarding the Committee of Conference Report on HB 479 whereby we requested a new committee of conference.

Adopted.

Senator Heath moved adoption of the committee of conference report on HB 479.

## COMMITTEE OF CONFERENCE REPORT ON HB 479

The committee of conference to which was referred House Bill 479, An Act relative to delaying condominium conversions following certain rental increases having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 4 with the following:

4 Rental Increases. Amend RSA 356-B:7 to read as follows:

356-B:7 Creation of Condominium. No condominium shall come into existence except by the recordation of condominium instruments pursuant to this chapter. No condominium instruments shall be recorded unless all units located or to be located on any portion of the submitted land, other than within the boundaries of any convertible lands, are depicted on site plans and floor plans that comply with RSA 356-B:20, I and II. The foreclosure of any mortgage, deed of trust, or other lien shall not be deemed, in and of itself, to terminate the condominium. Notwithstanding any provision of law to the contrary, if a rent increase is made in accordance with RSA 356-C:3, I(a)(12), application for condominium conversion shall not be made until 3 months after such increase.

5 New Subparagraph; Rent Increases. Amend RSA 356-C:3, I(a)(11) to read as follows:

(11) Such other information as the attorney general deems necessary or advisable to effectuate the purposes of this chapter; [and]

(12) That, notwithstanding any provision of this notice, if there is a rent increase, except for those increases under RSA 356-C:6, I(a), application for condominium conversion shall not be made until 3 months after such increase; and

6 Reference Change. Amend RSA 356-C:3, I(b)(2) to read as follows:

(2) That the time periods described in subparagraphs I(a)(6), (7), [and] (8) and (12) shall expire on specified dates; and

7 Effective Date.

I. Sections 1-3 of this act shall take effect July 1, 1987.

II. The remainder of this act shall take effect upon its passage.

*Conferees on the Part  
of the Senate*

Sen. White, Dist. 11

Sen. Heath, Dist. 3

Sen. Stephen, Dist. 18

*Conferees on the Part  
of the House*

Rep. Parker, Chesh. 11

Rep. Reardon, Hills. 37

Rep. Weddle, Rock. 24

Rep. McRae, Hills. 6

Senator White moved to adopt committee report.

Adopted.

#### COMMITTEE OF CONFERENCE REPORT ON HB 100-A

The committee of conference to which was referred House Bill



100-A, An Act making appropriations for capital improvements having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Appropriation; Department of Transportation. The sum of \$975,000 is hereby appropriated to the department of transportation for the biennium ending June 30, 1989, for the design and construction documents for the following projects:

I. Brown Building - ICF renovations - New Hampshire hospital.

II. Johnson Hall - New Hampshire hospital.

III. Medical Examiner Lab Facility.

IV. Spaulding Hall - New Hampshire hospital.

V. Walker Building - New Hampshire hospital.

The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated. No funds from this appropriation shall be expended, encumbered, or obligated in any way for the purposes of paragraphs I, II, IV, and V until the department of transportation, the department of administrative services, and the department of health and human services jointly submit to the capital budget overview committee a comprehensive action plan for the future use of the New Hampshire hospital buildings and grounds and receive the committee's approval. No funds from this appropriation shall be expended, encumbered, or obligated in any way for the purposes of paragraph III until the department of transportation and the attorney general jointly submit to the capital budget overview committee a plan outlining the site and possible uses for the medical examiner lab facility and receive the committee's approval.

Amend the bill by replacing section 11 with the following:

11 Lapse Date Extended; Aeronautics Commission. The appropriations made to the aeronautics commission for the following airport projects are hereby extended to June 30, 1989:

I. 1969, 505,1, III(f) and 1972, 62:5 as amended by 1985, 400:5, III(a), Manchester airport-land acquisition and construction renewal.



II. 1983, 4:10 as amended by 1985, 400:5, III(c), for the Lebanon airport runway extension.

Amend the bill by replacing section 13 with the following:

13 Liquidation of Encumbrances and Lapses of Balances on Certain Capital Accounts; June 30, 1987. Amend 1987, 70:2 to read as follows:

70:2 Effective Date. This act shall take effect [July 1] June 30, 1987.

14 Effective Date. This act shall take effect upon its passage.

*Conferees on the Part  
of the Senate*

Sen. Torr, Dist. 21

Sen. White, Dist. 11

Sen. Nelson, Dist. 13

*Conferees on the Part  
of the House*

Rep. Marsh, Coos 1

Rep. Pearson, Belk. 5

Rep. LaMott, Graf. 5

Rep. Matson, Ches. 7

Senator Torr moved to adopt the committee report.

Adopted.

## COMMITTEE OF CONFERENCE REPORT ON HB 200-A

The committee of conference to which was referred House Bill 200-A, An Act making appropriations for capital improvements having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies, and branches named:

I. Adjutant General

A. Replace 30 underground tanks

\$496,900

Less federal	-140,850
Net appropriation subparagraph A	\$356,050
B. Roof repairs - 6 armories	195,180
C. Roof and runway - flight facility	\$51,000
Less federal	-38,250
Net appropriation subparagraph C	\$12,750
Total state appropriation paragraph I	\$563,980

## II. Administrative Services

A. Exterior renovations - purchase and property warehouse	\$90,000
B. Replace flooring - Old Mill #1 - Claremont	50,000
C. DIS - Air conditioning	38,000
D. DIS - Halon extinguisher system	30,000
E. Health and human services building - HVAC, Phase II	2,400,000
F. Health and human services building - chemical storage facility	75,000
Total state appropriation paragraph II	\$ 2,683,000

## III. Corrections

A. Design and renovations of Grasmere county facility for use as female facility	\$ 1,300,000
B. Phase IV-B prison	\$17,025,000
Total state appropriation paragraph III	\$ 18,325,000

## IV. Fish and Game

A. Milford fish hatchery	
Finish well system redevelopment	\$195,000
Total state appropriation paragraph IV	\$195,000

## V. Health and Human Services

A. TCF - Equipment and furnishings - New Hampshire hospital	\$ 2,900,000
B. Spaulding cottage - YDC - design, renovations	420,000
C. Glenclyff home for the elderly	
1. Perimeter chain link fence	45,000
2. Rewiring of Brown Building	100,000
3. Replace one boiler at Glenclyff	150,000
4. Brown Building - window replacement	125,000

5. Laundry sprinkler system	12,000
6. Paving of dirt parking lot, minor road repairs	17,200
Total subparagraph C	<u>\$449,200</u>

## D. Office of Alcohol and Drug Abuse Prevention

1. Design and renovations - Spaulding Building - Laconia state school (Residential alcohol and drug treatment facility)	<u>\$322,400</u>
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Total state appropriation paragraph V	<u>\$ 4,091,600</u>
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## VI. Judicial Branch

## A. Carroll county superior court building

1. Purchase	\$1
2. Handicapped access	<u>25,000</u>
Total subparagraph A	<u>\$25,001</u>

B. Hillsborough county courthouse - corner of Spring St. and Pearl St. in Nashua - construction	<u>\$ 7,500,000</u>
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Total state appropriation paragraph VI	<u>\$ 7,525,001</u>
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## VII. Port Authority

A. Dredging pier (N.W. end)	\$66,000
B. Dredging of Portsmouth Harbor and the Piscataqua River	<u>\$18,700,000</u>

Less federal	<u>-14,000,000</u>
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Net appropriation subparagraph B	<u>\$ 4,700,000</u>
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Total state appropriation paragraph VII	<u>\$ 4,766,000</u>
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(The appropriation for the water improvement project in paragraph VII, B shall be used to widen the maneuvering area between the 2 vertical lift bridges from 600 feet to a maximum of 1,000 feet; widen by 100 feet the northern limit of the channel adjacent to Badgers Island; and widen the southern limit of the channel at the eastern end of Goat Island southeast of Henderson Point from 400 to 550 feet. Section 21 of this act contains additional costs associated with this project.)

## VIII. Postsecondary Vocational-Technical Education

## A. NHVTC - Claremont

1. Roof repairs	<u>\$113,500</u>
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2. Mini computers for allied health programs	16,803
Total appropriation subparagraph A	<u>\$130,303</u>
B. NHTI - Concord	
1. Instructional equipment for I/MET and CET programs	\$825,848
2. Cafeteria remodeling	280,000
Total appropriation subparagraph B	<u>\$ 1,105,848</u>
C. NHVTC - Laconia	
1. Roof repairs	\$110,000
2. 3 color flex graphic press	30,000
3. Saddle stitch binder	25,000
Total appropriation subparagraph C	<u>\$165,000</u>
D. NHVTC - Manchester	
1. Roof repairs	\$100,000
2. Twin post frame lifts	30,000
Total appropriation subparagraph D	<u>\$130,000</u>
E. NHVTC - Nashua	
1. Pollution control automotive engine diagnostic unit	\$32,000
2. 3 - Axis CNC mill machine	47,000
Total appropriation subparagraph E	<u>\$79,000</u>
F. NHVTC - Stratham	
1. Hunter C-111 alignment equipment	\$22,000
2. Three engine lathes	49,000
Total appropriation subparagraph F	<u>\$71,000</u>
Total appropriation paragraph VIII	<u>\$ 1,681,151</u>
IX. Resources and Economic Development	
A. Land purchases	\$350,000
Less federal funds	-350,000
Net appropriation subparagraph A	<u>-0-</u>
B. Cannon summit - sewage	150,000
C. Mt. Washington - sewage	500,000
D. Kingston Park - well	10,000
E. Lake Francis - well	10,000
F. Wadleigh - well	10,000
G. Moose Brook - sewage	30,000

H. Installation of fuel service facility - Hampton state pier or Rye Harbor	90,000
I. Hampton bath house	
1. Completion of Phase I - Office interior and Octagon building connector	100,000
2. Maintenance/Storage Facility	150,000
Total appropriation subparagraph I	<u>\$ 250,000</u>
J. Odiorne State Park	
1. Restore unsafe batteries at Frost Point	40,000
2. Sugden House expansion	100,000
3. Shoreline erosion prevention	100,000
4. New year-round visitor center	800,000
Less sources other than state	<u>- 400,000</u>
Net appropriation subparagraph J, 4	\$ 400,000
Total appropriation subparagraph J	\$ 640,000

(No funds appropriated by paragraph IX, J, 4 shall be expended or encumbered in any way until the department of resources and economic development certifies to the capital budget overview committee that it has raised and can account for \$400,000 or more in gifts, grants, donations, or pledges from sources other than the state, to be used for the construction of a new year-round visitor center at Odiorne State Park.)

Total state appropriation paragraph IX	\$ 1,690,000
X. Secretary of State/Records Management and Archives	
A. Addition to records and archives building	\$951,350
B. Insulate and replace roof covering, archives building	60,000
Total state appropriation paragraph X	<u>\$ 1,011,350</u>
XI. State Library	
Automated information system	
A. Lines and microwave	\$46,400
B. Equipment	462,642
Total state appropriation paragraph XI	<u>\$509,042</u>
XII. Veterans Home	

A. Fifty bed nursing home	<u>\$ 4,700,000</u>
Total state appropriation paragraph XII	\$ 4,700,000
XIII. Division of Water Resources	
A. Repair and reconstruction of dams transferred from fish and game	<u>\$500,000</u>
Total state appropriation paragraph XIII	<u>\$500,000</u>
Total state appropriation section 1	\$ 48,241,124

2 Appropriation; University System of New Hampshire. The sums hereinafter detailed are hereby appropriated for the projects specified:

I. University System of New Hampshire	
A. Asbestos removal	\$300,000
B. Life safety and handicapped	125,000
C. Plymouth State College - Memorial Hall renovation, design and construction	1,320,000
D. New Hampshire Public Television	
1. Broadcast center - move in project	365,000
2. General production support - replacement project	285,850
3. Saddleback network - replacement project	76,050
4. Production control room A/Audio A - replacement project	107,475
5. 1" editing - replacement project	<u>71,550</u>
Total appropriation subparagraph D	905,925
E. Keene State College - athletic/ recreation field and academic/ natural area - phase I - design and construction	1,900,000
F. University of New Hampshire field house - renovations and addition	\$ 3,800,000
Total state appropriation section 2	<u>\$ 8,350,925</u>

3 Appropriation; Department of Transportation. The sums hereinafter detailed are hereby appropriated for the projects specified:

I. Department of Transportation	
A. Statewide fuel program	\$525,000



B. CAD/D Phase II	<u>\$600,000</u>
Total state appropriation paragraph I	<u>\$ 1,125,000</u>
Total state appropriation section 3	<u>\$ 1,125,000</u>

(The appropriation made in section 3, I, A shall include the replacement of a 10,000 gallon fiberglass gasoline tank at the New Hampshire hospital which shall become a component of the statewide fuel program.)

4 Appropriation; Police Standards and Training Council. The sum hereinafter detailed is hereby appropriated for the project specified:

I. Police Standards and Training Council

A. Design and construction - Academic wing addition	<u>\$570,000</u>
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Total appropriation paragraph I	<u>\$570,000</u>
Total state appropriation section 4	<u>\$570,000</u>

5 Appropriation; Fish and Game. The sum hereinafter detailed is hereby appropriated for the project specified:

I. Fish and Game

A. Rearing pond and raceway covers	<u>\$75,000</u>
Total state appropriation paragraph I	<u>\$75,000</u>
Total state appropriation section 5	<u>\$75,000</u>

6 Expenditures; General. The appropriation made for the purposes mentioned in sections 1, 3, 4, and 5 and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 228.

7 Expenditures; University System of New Hampshire.

I. The appropriations made for the purposes mentioned in section 2 and the sums available for these projects shall be expended by the trustees of the university system of New Hampshire. All contracts for the construction of all or any part of said building or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each of 2 successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will

be sought within the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less than 30 days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. The appropriations made in section 2 are available for all costs incidental to the completion of the projects enumerated including the costs of the services of architects, engineers, and other consultants of such kind and capacity as the university system board of trustees may, in its discretion, wish to employ on such terms and conditions as the board determines. These moneys shall be spent under the direction of the university system board of trustees.

III. If, in the judgment of the trustees of the university system, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder; or, if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. The board of trustees of the university system has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the 3 lowest bidders for a contract for the construction upon terms considered most advantageous to the university system. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university system and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

8 Land Acquisition. Any land acquired under the appropriations made in sections 1, 3, 4, and 5 except such land, if any, as may be acquired under the appropriation for the division of water resources, shall be purchased by the commissioner of transportation with the approval of governor and council.

9 Architectural Requirements. No new building authorized by this act shall be constructed without meeting life safety code requirements, handicapped architectural barrier-free code requirements, and energy conservation code requirements.

#### 10 Bonds Authorized.

I. To provide funds for the total of the appropriations of state funds made in sections 1, 2, and 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the

sum of \$57,717,049 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

II. The state treasurer, with the prior approval of the fiscal committee and governor and council, is hereby authorized to utilize 50 percent of any general fund revenue which is in excess of \$524,320,000 for fiscal year 1987, \$540,820,000 for fiscal year 1988, and \$556,020,000 for fiscal year 1989, as determined by the official audit performed pursuant to RSA 21-I:8, I(h) at the close of each fiscal year for the purpose of providing funds authorized by paragraph I in lieu of issuing bonds.

#### 11 Payments.

I. The payment of principal and interest on bonds and notes issued for the projects in sections 1 and 2 shall be made when due from the general funds of the state.

II. The payment of principal and interest on bonds issued for projects in section 3 shall be made from the highway fund.

12 Appropriation. The following sums are hereby appropriated for the biennium ending June 30, 1989:

I. The sum of \$570,000 is appropriated to the police standards and training council from any funds in the penalty assessment fund not otherwise appropriated for the projects in section 4.

II. The sum of \$75,000 is appropriated to the department of fish and game from any funds in the fish and game fund not otherwise appropriated for the projects in section 5.

13 Liquidation. The state treasurer is authorized to deduct from the fund accruing to the university under RSA 187-A:7, or appropriation in lieu thereof, for each fiscal year such sum as may be necessary to meet interest and principal payments in accordance with the terms and conditions of the bonds or notes issued for the purpose of section 2.

14 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are or become available for any project under sections 1, 3, 4, and 5 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by

the amount of such additional funds, and the amount of bonding authorized by section 10 and the appropriations authorized by section 12 shall be reduced by the same amount.

15 Transfers. The individual project appropriations as provided in sections 1, 3, 4, and 5 shall not be transferred or expended for any other purposes; provided that any anticipated balance remaining in an individual project, which is fully funded by state funds, may be transferred by governor and council to any other individual project or projects, which are also fully funded by state funds, within the same section, provided prior approval of the capital budget overview committee is obtained.

16 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for in this act is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such project and the net appropriation of state funds therefor shall be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced. The amount of bonding authorized by section 10 shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

17 Water Supply and Pollution Control. Amend 1983, 423:1, IX to read as follows:

IX. Division of Water Supply and	\$ 6,660,000
Pollution Control [Commission] -	
Regional waste treatment facilities -	
Winnepesaukee river basin	
less federal	[4,995,000]
	-2,995,000
less local	- 333,000
Total paragraph IX	<u>\$[1,332,000]</u>
	3,332,000

18 Bonds Authorized. Amend 1983, 423:8 as amended by 1985, 44:19 and 1985, 390:3 to read as follows:

423:8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [\$22,487,345] \$24,487,345 and for said purposes may issue bonds and notes in the name and on behalf

of the state of New Hampshire in accordance with the provisions of RSA 6-A; provided, however, that the bonds issued for section 1, I, B; II, E; III, B, C, D, E(1), (2), and (4), F, G; IV, A(4); VI, A-D, and F; VII, B; X, A-J; section 3, I, B; II, D and E; section 4, I, A-C; shall have a maturity of 5 years from date of issue.

19 Appropriation; Fish and Game Regional Offices. 1985, 409:1, V as amended by 1986, 211:1, 2 is repealed and reenacted to read as follows:

V. Fish and Game

A. New headquarters facility - Concord, design and construction	\$1,850,000
B. Regional Offices - Durham (to be built on state owned property); Laconia (to be built on state owned property); Lancaster; Keene	1,650,000
Less federal	- 550,000
	\$1,100,000
C. Computer system - headquarters - Concord	\$90,000*
Total state appropriation paragraph V	<hr/> \$3,040,000

(No expenditure may be made from the appropriation made in section 1, V, A or B until such time as the fish and game commission has developed an action plan and received the approval of such plan from both the capital budget overview committee and the governor and council. The sums appropriated in section 1, V, B may be transferred, by governor and council, with the prior approval of the capital budget overview committee, from one regional office to another to allow and maximize the potential use of federal matching funds. Any shortfall in matching federal funds for the appropriation made in section 1, V, B shall be a charge against the fish and game fund.)

20 Bonds Authorized; Total Changed. Amend 1985, 409:11, I as amended by 1986, 209:9; 1986, 211:13; and 1986, 211:27 to read as follows:

I. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [\$22,886,620] \$23,756,620 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

21 Repayment of Construction Costs; Dredging of Portsmouth Harbor and Piscataqua River. The state shall repay an additional 10



percent of the total cost of construction for the dredging of Portsmouth Harbor and the Piscataqua River, as authorized by section 1, paragraph VII, B of this act, over a period of not more than 30 years from the date of project completion. The governor is authorized to draw his warrant for said sums for repayment out of any money in the treasury not otherwise appropriated. The repayment shall include interest at a rate to be determined by the Secretary of the Treasury.

22 Appropriation; Mental Health Facilities Improvement Program. Amend 1985, 409:23 to read as follows:

409:23 Appropriation; Mental Health Facilities Improvement Program. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies and branches named:

I. Health and human services	
A. Central psychiatric hospital	[\$21,500,000]
	\$22,200,000
B. Community care facility	2,000,000
	<u>2,000,000</u>
Total state appropriation section 23	[\$23,500,000]
	\$24,200,000

23 Bonds Authorized. Amend 1985, 409:26 to read as follows:

409:26 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in section 23 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [\$23,500,000] \$24,200,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

24 Appropriation; Department of Safety. Amend 1985, 409:3 to read as follows:

409:3 Appropriation; [Department] Departments of Safety and [Public Works and Highways] Transportation. The sums hereinafter detailed are hereby appropriated for the projects specified:

I. Department of Safety	
A. Addition and new roof, Hayes building - Concord	[\$1,300,000]
	1,460,000
B. New troop station-Milford	
1. Land acquisition	\$ 100,000



2. Design and construction	[200,000]
	610,000
C. Garage, troop A - Epping	50,000
Total state appropriation paragraph I	[\$1,650,000]
	\$2,220,000

## II. [Public works and highways] Transportation

A. Renovations to John O. Morton building - Concord (no part of this appropriation shall be used for the construction of shower facilities)	\$ 245,000
B. CAD system - Concord	950,000
C. Statewide fuel distribution system	340,000
Total state appropriation paragraph II	\$1,535,000
Total state appropriation section 3	[\$3,185,000]
	\$3,755,000

25 Federal Groundwater Mapping Program. Amend 1985, 77:1 to read as follows:

77:1 Appropriation; Special Account. The sum of [\$2,000,000] \$2,500,000 is hereby appropriated to the [water resources board or to its successor agency] division of water resources, department of environmental services, for participation in the federal groundwater mapping program. This appropriation shall not lapse until June 30, 1996.

26 Bonds Authorized. Amend 1985, 77:2 to read as follows:

77:2 Bonds Authorized. To provide funds for the total of the appropriation of state funds made in section 1 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state the sum of [\$2,000,000] \$2,500,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

27 Appropriation; Aeronautics Commission. Amend 1985, 409:6 to read as follows:

409:6 Appropriation - Self Liquidating Revenue Bonds Aeronautics Commission. The sums hereinafter detailed are hereby appropriated for the projects specified:

### I. Aeronautics commission

A. Design and construction of hangar - Skyhaven	\$ [140,000]** \$ 167,500
Total appropriation paragraph I	\$ [140,000] \$ 167,500
Total state appropriation section 6	\$ [140,000] \$ 167,500

\*\*To be 10 year bonds.

28 Bonds Authorized. Amend 1985, 409:11, III to read as follows:

III. To provide funds for the purpose of section 6, the design and construction of Skyhaven hangar project, the state treasurer is hereby authorized to borrow upon the credit of the state in the amount of [\$140,000] \$167,500 and for said purpose shall issue revenue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The interest and principal due on the bonds or notes issued under this paragraph shall be a direct charge against the Skyhaven hangar revenues. Prior to issuance of the bonds or notes authorized by this paragraph, the treasurer may, for the purpose of this section, borrow money from time to time on short-term loans which may be refunded by the issuance of the bonds or notes hereunder; provided, however, that at no time shall indebtedness on such short-term loans exceed the sum of [\$140,000] \$167,500.

29 Appropriation. The sum of \$1,000,000 is hereby appropriated to the department of transportation for the biennium ending June 30, 1989, for land acquisition, engineering, design and planning for the reconstruction and the construction of a 4-way intersection at New Hampshire routes 9 and 155 in the city of Dover. This appropriation shall be nonlapsing and in addition to any other appropriation for the department of transportation for the biennium. This appropriation shall be a charge on the highway fund.

30 Derry Local Exit. The legislature hereby directs the department of transportation to cooperate with the towns of Derry and Londonderry in the development of an acceptable design for a new exit to I-93 between existing exits 4 and 5 to serve the towns of Derry and Londonderry. The new interchange will be funded and the work performed by the towns of Derry and Londonderry and will meet all current state highway design standards. The new interchange shall require no state funding and its design shall be completed prior to December 1, 1988.

31 Interstate 93 Exit 21 Funds Reserved. From the funds appropriated to the department of transportation for the Federal Interstate matching program in the state operating budget, the commissioner of transportation is hereby directed to establish and reserve an amount estimated to be not less than \$19,100,000 to provide the funding for Interchange 21 on I-93. Such sums reserved shall not be expended or transferred for any other purpose before June 30, 1988.

32 Appropriation; Coastal Projects. Amend 1985, 409:1, IX as amended by 1986, 209:1 to read as follows:

IX. Resources and Economic Development

A. Ski lift renovation and replacement, and \$3,910,000  
snow making and trail improvements -  
Mt. Sunapee, Cannon Mt.

B. [Marine repairs, dredging - Hampton, [920,000]  
Portsmouth and Rye harbor]  
Coastal projects

1. Hampton, Portsmouth harbor - \$ 520,000  
marine repairs and dredging

2. Rye harbor projects 450,000

Total state appropriation subparagraph B \$ 970,000

C. Safety modifications and sewage 155,000  
Franconia Notch state park

D. Lodge expansion, water and sewer 160,000  
improvements - Mt. Sunapee state park

E. Building repairs, parking and sewer 290,000  
improvements - Wallis Sands state park

F. Handicapped facilities - state 250,000  
campgrounds

G. Power and water - state campgrounds 250,000

H. Safety hazards, building and sewer 140,000  
repairs Fort Stark

I. Parking and building repairs 170,000  
Franconia Notch state park

Total state appropriation paragraph IX [\$ 6,245,000]  
\$6,295,000

(A sum not exceeding 1-1/2 percent of the total capital appropriation made in section 1, IX, A, may be utilized for the purpose of contract or in-house engineering services for design, maintenance, and supervision. The appropriation made in section 1, IX, A for the depart-

ment of resources and economic development shall not be expended, encumbered or obligated in any way without the approval of the capital budget overview committee.)

33 Legislative Office Building Restoration and Repair Appropriation. There is hereby appropriated to the joint committee on legislative facilities the sum of \$2,600,000 for the purposes of restoration and repair of the legislative office building. This appropriation shall be nonlapsing.

34 Bonds Authorized. To provide funds for the appropriation made in section 33 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$2,600,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest of the bonds and notes shall be made when due from the general funds of the state. The bonds shall be 10 year bonds.

35 Reduction of Bonding Authority. The amount of bonding authorized by section 34 of this act shall be reduced by the amount of funds which may become available from other sources for the same purpose as described in section 33 of this act. The funds which may become available from other sources shall be used to fund the repairs of the legislative office building and the state treasurer shall issue bonds to cover any shortfall in other available funding sources.

36 Lapse Date Extended; Department of Corrections. The lapse date for 1985, 409:1, VIII, C, Phase IV construction, New Hampshire state prison, is hereby extended to June 30, 1989, and the unexpended balance of \$775,000 is allocated to Phase IV-B in section 1, paragraph III, B of this act so that the total available for said project shall be \$17,800,000.

37 Lapse Date Extended; Department of Resources and Economic Development. The appropriations made to the department of resources and economic development in 1985, 409:1, IX, A, for renovations and improvements at Mount Sunapee and Cannon Mountain; 1985, 409:1, IX, B, for marine repairs, dredging - Hampton, Portsmouth and Rye harbors; and 1985, 409:1, IX, G, power and water at the state campgrounds, are hereby extended to June 30, 1989.

38 Lapse Date Extended; Department of Health and Human Services. The appropriations made to the department of health and human services by the following are hereby extended to June 30, 1989:

I. 1985, 409:1, VI, E, boiler breeching replacement - YDC.

II. 1985, 409:1, VI, F, safety improvements - Friendship house - Manchester.

III. 1985, 409:1, VI, G, smoke detectors - YDC.

39 Lapse Date Extended; Youth Development Center; Approval of Capital Budget Overview Committee Required.

I. The following appropriations to the youth development center are hereby extended to June 30, 1989:

(a) 1983, 423:1, X as amended by 1985, 44:20 and 1985, 44:21, priority maintenance projects.

(b) 1981, 565:20, V as amended by 1982, 38:16 and 1985, 44:20 and 1985, 44:21, renovations to King and East Cottages.

II. No expenditures shall be made by the youth development center from the appropriations extended for the projects specified in subparagraphs I(a) and (b) without the prior approval of the capital budget overview committee.

40 Lapse Date Extended; State Veterans Home. The lapse date for 1985, 409:1, XI, B, site evaluation for state veterans cemetery, is hereby extended to June 30, 1989.

41 Lapse Dates Extended; Department of Administrative Services.

I. The lapse date for 1985, 44:1, IV, A and B as amended by 1986, 211:30, purchase and enhancements of the federal district courthouse - Littleton, and purchase and enhancement of federal post office, N. Main St., Rochester, is hereby extended to January 1, 1988.

II. The lapse date for 1985, 409:1, II, A, major alterations to the health and welfare building, is hereby extended to June 30, 1989.

42 Lapse Date Extended; Liquor Commission. The lapse date for 1985, 409:1, VII, C, computer system enhancements, is hereby extended to June 30, 1989.

43 Lapse Date Extended; Supreme Court. The lapse date for 1985, 44:1, III, for the superior court - Nashua, design and engineering, is hereby extended to June 30, 1989.

44 Lapse of Available Balances; Sugar River Watershed Site C-9 Accounts.

I. The available balance of \$1,045,000 in federal funds and \$143,417.46 in state funds in the appropriation made by 1979, 435:1, XII, B as amended by 1981, 565:15, III and 1985, 400:5, I(a), for the



construction of Sugar River watershed site C-9, a flood retarding and wildlife impoundment, shall lapse on the effective date of this section.

II. The available balance of \$3,650 in federal funds and \$628,550 in state funds in the appropriation made by 1983, 423:1, VII as amended by 1985, 400:5, I(b), for the Sugar River watershed site C-9, a flood retarding and wildlife impoundment, shall lapse on the effective date of this section.

45 Lapse Date Extended; Aeronautics Commission. The appropriations made to the aeronautics commission for the following airport projects are hereby extended to June 30, 1989:

I. 1969, 505:1, III(f) and 1972, 62:5 as amended by 1985, 400:5, III(a), Manchester airport-land acquisition and construction renewal.

II. 1983, 4:10 as amended by 1985, 400:5, III(c), for the Lebanon airport runway extension.

46 Lapse Date Extended; Department of Safety. The appropriations made to the department of safety by the following are hereby extended to June 30, 1989:

I. 1985; 409:3, I, A, addition and new roof, Hayes building - Concord.

II. 1985; 409:3, I, B, new troop station - Milford.

III. 1985; 409:3, I, C, garage, troop A - Epping.

IV. 1986; 211:32, II, III, IV, and V repairs and renovations to the Glendale boathouse and repair to docks.

47 Liquidation of Encumbrances and Lapses of Balances on Certain Capital Accounts; June 30, 1987. Amend 1987, 70:2 to read as follows:

70:2 Effective Date. This act shall take effect [July 1] June 30, 1987.

48 Solicitation of Bids for Visitor Services Facility at Hampton Beach State Park. The division of parks and recreation, department of resources and economic development, is hereby authorized to solicit bids for the design, construction, and operation of a food and visitor services facility at Hampton Beach State Park. Any contract awarded for said facility shall be for a period not to exceed 30 years and shall be subject to the prior approval of governor and council.

49 Contingency Provision. If SB 125-FN, an act appropriating funds for Rye Harbor projects becomes law, section 32 of this act shall not take effect.



50 Contingency Provision. If SB 180, an act relative to restoring the original state house and making an appropriation therefor and relative to the legislative office building and making an appropriation therefor becomes law, sections 33-35 of this act shall not take effect.

51 Effective Date. This act shall take effect upon its passage.

*Conferees on the Part  
of the Senate*

Sen. Torr, Dist. 21  
Sen. White, Dist. 11  
Sen. Nelson, Dist. 13

*Conferees on the Part  
of the House*

Rep. Marsh, Coos. 1  
Rep. Pearson, Belk. 5  
Rep. LaMott, Graf. 5  
Rep. Matson, Ches. 7

Senator Torr moved to adopt the committee report.

SENATOR WHITE: On page 12 you will see roman numeral two which indicates that we'll be utilizing 50% of any general fund revenue in excess of the projections that are in HB 300 in lieu of going out and seeking bonds. As you recall, the Senate position was to use roughly \$24 million worth of surplus and, in lieu of that, the compromise between the House and the Senate was this particular section in the Budget. I think that's really what makes the Capital Budget a good budget and a good workable budget.

SENATOR HOUNSELL: I'm reading, Senator White, that it says with prior approval of the Fiscal Committee. It's my understanding now, that it looks like it's going to be five and five?

SENATOR WHITE: Well, as I understand it, though the bad people that we are, the good people on the other side of the wall realize that we really were good out of a vote of 219 to 79. We have equal representation at long last.

Adopted.

## HOUSE MESSAGE

### HOUSE ADOPTS COMMITTEE OF CONFERENCE REPORT

SB 34, Relative to the advisory budget control committee and the fiscal committee.

## SUSPENSION OF THE RULES

Senator Blaisdell moved suspension of the rules to allow for a committee of conference report on SB 34 received after the deadline.

Adopted.

### COMMITTEE OF CONFERENCE REPORT ON SB 34

SB 34, Relative to the advisory budget control committee and the fiscal committee. (see House Journal)

Senator Disnard moved to adopt the committee report.

Adopted.

### HOUSE MESSAGE

#### HOUSE NON-CONCURS WITH COMMITTEE OF CONFERENCE REPORT

#### REQUESTS NEW COMMITTEE OF CONFERENCE

HB 322, Relative to the aids virus and making an appropriation therefor and relative to blood tests before marriage.

The Speaker appointed Reps: Copenhaver, Chandler, Kurk and Parr.

Senator Krasker moved to accede.

Adopted.

The Chair appointed Senators Krasker, Bond and Dupont.

### COMMITTEE OF CONFERENCE REPORT ON HB 727

The committee of conference to which was referred House Bill 727, An Act relative to the right-to-know law, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 91-A:4, III(d) as inserted by section 4 of the bill by replacing it with the following:

(d) Each public body shall, upon request for any public record reasonably described, make available for inspection and copying any such public record within its files when the record is immediately available for release. If a public body is unable to make a public

record available for immediate inspection and copying, it shall, within 5 business days of request, make such record available, deny the request in writing with reasons, or furnish written acknowledgment of the receipt of the request and a statement of the time reasonably necessary to determine whether the request shall be granted or denied. If a photocopying machine or other device maintained for use by a public body is used by the body to copy the public record or document requested, the person requesting the copy may be charged only the actual cost of providing the copy, which cost may be collected by the public body. Nothing in this section shall exempt any person from paying fees otherwise established by statute for obtaining copies of public records or documents, but if such fee is established for the copy, no additional costs or fees shall be charged.

Amend RSA 91-A:5, I(e) as inserted by section 5 of the bill by replacing it with the following:

(e) Confidential, commercial, or financial information of an individual, partnership, or corporation.

*Conferees on the Part  
of the Senate*

Sen. Podles, Dist. 16  
Sen. White, Dist. 11  
Sen. Nelson, Dist. 13

*Conferees on the Part  
of the House*

Rep. Chretien, Hills. 33  
Rep. Koromilas, Straf. 6  
Rep. Lown, Hills. 9  
Rep. Hollingworth, Rock. 17

Senator White moved to adopt the committee report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 508

The committee of conference to which was referred House Bill 508, An Act authorizing transfers within a program appropriation unit of the department of health and human services, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 2 with the following:

2 Adjustment to Operating Budget Source of Funds; Medical Grants. The source of funds for PAU 05,02,04,05,05, Medical Grants, shall be adjusted for the fiscal year ending June 30, 1988, by decreasing the estimate in line 05, Private and Local, by \$1,664,388 and by increasing the general fund estimate by \$1,664,388, and for the fiscal year ending June 30, 1989, by decreasing the estimate in line 05, Private and Local, by \$1,680,960 and by increasing the general fund estimate by \$1,680,960.

3 Effective Date. This act shall take effect July 1, 1987.

*Conferees on the Part  
of the Senate*

Sen. Krasker, Dist. 24

Sen. White, Dist. 11

Sen. Podles, Dist. 16

*Conferees on the Part  
of the House*

Rep. Sochalski, Rock. 23

Rep. Butler, Rock. 11

Rep. Bates, Straf. 1

Rep. Copenhaver, Graf. 12

Senator Krasker moved to adopt the committee report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 692-FN

The committee of conference to which was referred House Bill 692-FN, An Act establishing an involuntary treatment task force having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend paragraph I of section 2 of the bill by inserting after subparagraph (j) the following new subparagraph:

(k) A psychiatric nurse.

Amend paragraph II of section 2 of the bill by replacing it with the following:

II. The governor shall appoint the members designated in subparagraphs I(d) through (k). The appointed legislative members shall convene the first meeting of the task force no later than June 30,

1987. The task force shall select one of its members to act as chairman. The division of mental health and developmental services shall provide administrative support to the task force including meeting space, technical assistance, and any other relevant support.

Amend the bill by replacing section 3 with the following:

3 Duties. The primary duty of the task force shall be to study and make recommendations regarding the treatment process of persons who are involuntarily admitted into the current mental health services system. To arrive at its conclusions, the task force shall study the current laws, rules adopted under RSA 541-A, relevant court decisions and shall receive input from providers and consumers of mental health services.

Amend the bill by replacing section 6 with the following:

6 Authority to Transfer. Notwithstanding any other provision of law, including the provisions of RSA 99:4 and RSA 9:17-a through 17-c or any general transfer authority for departments as defined in RSA 9:1 provided in the general appropriations bill or other law, during the biennium ending June 30, 1989, the commissioner of health and human services is hereby authorized, with the prior approval of the fiscal committee and governor and council, to make such transfers within the department's program appropriation unit including its components, subcomponents, and classes within its unit numbered 05-02-05, including division of mental health and developmental services central office, Laconia state school and training center, New Hampshire hospital, and Glencliff home for the elderly, as he shall deem necessary or appropriate to most effectively meet the priorities and goals of the mental health and developmental services system, and the provisions of RSA 99:4 and RSA 9:17-c shall not apply to such program appropriation unit.

7 Effective Date.

I. Sections 1-5 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect July 1, 1987.

*Conferees on the Part  
of the Senate*

Sen. Krasker, Dist. 24

Sen. White, Dist. 11

Sen. Bond, Dist. 1

*Conferees on the Part  
of the House*

Rep. Sochalski, Rock. 23

Rep. Foster, Ches. 17

Rep. Wilson, Straf. 4

Rep. Bates, Straf. 1

Senator Krasker moved to adopt the committee report.

SENATOR NELSON: Are we just adding these three words?

SENATOR KRASKER: That's right. Psychiatric nurse was not included and we added "K. A Psychiatric nurse" to the members of the committee. The rest of the composition remains the same.

Adopted.

## HOUSE MESSAGE

### HOUSE ADOPTS COMMITTEE OF CONFERENCE REPORTS

SB 1, Establishing the New Hampshire land conservation investment program and making an appropriation therefor.

SB 6, To provide 2 additional field staff and additional equipment to the division of air resources for statewide air quality monitoring and making an appropriation therefor.

SB 27, Relative to the commemorative rifle or shotgun lottery.

SB 41, Relative to unclassified state employees.

SB 62, Relative to counting absentee ballots in cities and towns which use voting machines.

SB 75, Authorizing the study of the feasibility of reconstructing U.S. 1 Route from the Massachusetts line to Portsmouth, New Hampshire, to increase capacity and safety, and making an appropriation therefor.

SB 83, Relative to distributing political campaign literature at polling places on election day.

SB 90, Relative to amusement parks.

SB 106, Relative to the responsibilities of the commissioner of safety.

### COMMITTEE OF CONFERENCE REPORT ON HB 440

HB 440, Relative to intrastate motor carriers.

Senator Dupont moved to non-concur, requests new committee of conference.

Adopted.



The Chair appointed Senators Dupont, Johnson and Preston.

#### COMMITTEE OF CONFERENCE REPORT ON SB 1-A

SB 1-A, Establishing the New Hampshire land conservation investment program and making an appropriation therefor. (see House Journal)

Senator Blaisdell moved to adopt the committee report.

Adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 6-FN-A

SB 6-FN-A, To provide 2 additional field staff and additional equipment to the division of air resources and for statewide air quality monitoring and making an appropriation therefor. (see House Journal)

Senator Freese moved to adopt the committee report.

Adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 27-FN

SB 27-FN, Relative to the commemorative rifle or shotgun lottery. (see House Journal)

Senator Hounsell moved to adopt the committee report.

Adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 41

SB 41 Relative to unclassified state employees. (see House Journal)

Senator Freese moved to adopt the committee report.

Adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 62

SB 62, Relative to counting absentee ballots in cities and towns which use voting machines. (see House Journal)

Senator Johnson moved to adopt the committee report.

Adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 75-A

SB 75-A, Authorizing the study of the feasibility of reconstructing U.S. rout 1 from the Massachusetts line to Portsmouth, New Hampshire, to increase capacity and safety, and making an appropriation therefor. (see House Journal)

Senator Delahunty moved to adopt the committee report.

Adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 83

SB 83, Relative to distributing political campaign literature at polling places on election day. (see House Journal)

Senator Delahunty moved to adopt the committee report.

Adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 90

SB 90, Relative to amusement parks. (see House Journal)

Senator St. Jean moved to adopt the committee report.

Adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 106

SB 106, Relative to the responsibilities of the commissioner of safety. (see House Journal)

Senator Dupont moved to adopt the committee report.

Adopted.

### HOUSE MESSAGES

#### HOUSE ADOPTS COMMITTEE OF CONFERENCE REPORTS

SB 134, To commission a study of an environmental risk insurance fund and making an appropriation therefor.

SB 139, Relative to election law dates.

SB 161, Relative to state annuity benefits for group II members of the New Hampshire retirement system and making an appropriation therefor.

SB 174, Establishing a committee to study retirement system benefits.

SB 176, Changing financial disclosure requirements.

SB 180, Relative to restoring the original state house and making an appropriation therefor.

SB 183, Relative to coverage for mental or nervous conditions.

SB 197, Relative to alarm installers.

SB 200, Permitting group II state employee members who reach age 60 to make an election for retirement benefits.

SB 211, Relative to a license for clean-up of gasoline and oil underground storage tank leaks and spills and creating a study committee.

SB 219, Relative to state operated multiple DWI offender minimum security detention center and making an appropriation therefor.

SB 229, Relative to health clubs.

SB 232, Relative to the board of barbering and cosmetology.

#### COMMITTEE OF CONFERENCE REPORT ON SB 134

SB 134, To commission a study of an environmental risk insurance fund and making an appropriation therefor. (see House Journal)

Senator Delahunty moved to adopt the committee report.

Adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 139

SB 139, Relative to election law dates. (see House Journal)

Senator Freese moved to adopt the committee report.

Adopted.

## COMMITTEE OF CONFERENCE REPORT ON SB 161

SB 161, Relative to state annuity benefits for group II members of the New Hampshire retirement system and making an appropriation therefor. (see House Journal)

Senator Delahunt moved to adopt the committee report.

Adopted.

## COMMITTEE OF CONFERENCE REPORT ON SB 174-FN

SB 174-FN, Establishing a committee to study retirement system benefits. (see House Journal)

Senator Freese moved to adopt the committee report.

Adopted.

## COMMITTEE OF CONFERENCE REPORT ON SB 176-FN

SB 176-FN, Changing financial disclosure requirements. (see House Journal)

Senator St. Jean moved to adopt the committee report.

Adopted.

## COMMITTEE OF CONFERENCE REPORT ON SB 180-FN-A

SB 180-FN-A, Relative to restoring the original state house and making an appropriation therefor. (see House Journal)

Senator St. Jean moved to adopt the committee report.

Adopted.

## COMMITTEE OF CONFERENCE REPORT ON SB 183

SB 183, Relative to coverage for mental or nervous conditions. (see House Journal)

Senator Delahunt moved to adopt the committee report.

SENATOR JOHNSON: Senator Delahunt, I'd just want to be assured that members of the Senate who might be suffering from a mental or nervous condition at this time of the year and will be covered by this bill. Is that true?

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 197-FN  
SB 197-FN, Relative to alarm installers. (see House Journal)

Senator Freese moved to adopt the committee report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 200-FN,  
SB 200-FN, Permitting group II state employee members who reach  
age 60 to make an election for retirement benefits. (see House Jour-  
nal)

Senator Delahunty moved to adopt the committee report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 211-FN  
SB 211-FN, Relative to a license for clean-up of gasoline and oil un-  
derground storage tank leaks and spills and creating a study com-  
mittee. (see House Journal)

Senator Johnson moved to adopt the committee report

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 219-FN-A  
SB 219, Relative to state operated multiple DWI offender minimum  
security detention center and making an appropriation therefor. (see  
House Journal)

Senator White moved to adopt the committee report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 229-FN  
SB 229-FN, Relative to health clubs. (see House Journal)

Senator Heath moved to adopt the committee report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 232-FN  
SB 232, Relative to the board of barbering and cosmetology. (see  
House Journal)

Senator Freese moved to adopt the committee report.

Adopted.

### HOUSE MESSAGE

#### HOUSE ADOPTS COMMITTEE OF CONFERENCE REPORT.

SB 10-A, Permitting state participation in a Clean Water Act Revolving Loan Fund. (see House Journal)

### SUSPENSION OF THE RULES

Senator Delahunty moved suspension of the rules to allow for a Committee of Conference report on SB 10-A.

Adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 10-A

SB 10-A, Permitting state participation in a Clean Water Act Revolving Loan Fund. (see House Journal)

Senator Delahunty moved to adopt the committee report.

SENATOR DISNARD: What's the final disposition of the construction of the Franklin-Laconia bypass? Is it a study, is it dead, or what?

SENATOR HOUNSELL: This bill was introduced as a Senate bill and this bill really has nothing to do with that topic. It's a rule that says that we can't change the title. If you would, I'd like to defer to Senator Torr who can tell you more specifically the disposition of the Franklin-Laconia bypass.

SENATOR TORR: If I may, the Franklin-Laconia bypass bill was re-referred by the Senate. In addition to that, in HB 200, the Capital Budget, we froze the federal money for the interchange, which was exit 21, to be kept for that area specifically.

Adopted.

### SUSPENSION OF THE RULES

Senator Krasker moved to suspend the rules to allow for a committee of conference report on SB 130 received after the deadline.

Adopted.



## COMMITTEE OF CONFERENCE REPORT ON SB 130

SB 130, Relative to the trust fund for the prevention of child abuse and neglect and making an appropriation therefor. (see House Journal)

Senator Krasker moved to adopt the committee report.

SENATOR PRESTON: I respect the fact that the conferees signed this bill. I still think it's a disgrace and I was ashamed of the legislature last week when they cut out some \$100,000 and I think to put in a paltry \$90,000 when child abuse has been determined to be five times as serious as we thought; I just want to go on the record that I think it's a disgrace that that's all that we've appropriated. We appropriated 20 million dollars for a trust fund just recently.

SENATOR BOND: In response to Senator Preston's concerns, I'd say that the members of the committee were confronted with essentially a fait accompli on the other side of the wall. We had, in fact, addressed a considerably larger sum, but in order to see that the thing does happen we had to settle with this.

Adopted.

## SUSPENSION ON THE RULES

Senator Torr moved to suspend the rules to allow for a committee of conference report on SB 212-FN-A received after the deadline.

Adopted.

## COMMITTEE OF CONFERENCE REPORT ON SB 212-FN-A

SB 212-FN-A, Increasing financial aid to certain municipalities for water treatment projects and making an appropriation therefor. (see House Journal)

Senator Torr moved to adopt the committee report.

Adopted.

## ENROLLED BILLS AMENDMENTS

SB 64, Legalizing all votes pertaining to bond or note issues taken at the New London - Springfield water system precinct meeting of March 18, 1986, and relative to the legalization and ratification of actions taken at certain town meetings and relative to the Winchester school district election held March 19, 1987.

SENATOR CHANDLER: This amendment corrects the section numbering in the bill.

Amend the bill by replacing line 1 on page 2 with the following:

3 Town of Winchester School District Election; Nullification. All

Amend the bill by replacing line 4 on page 2 with the following:

4 Special School District Election; Winchester. Notwithstanding any

Amend the bill by replacing line 23 on page 2 with the following:

5 Epsom Town Meeting. All acts, votes, and proceedings of the annual

Amend the bill by replacing line 1 on page 3 with the following:

6 Lancaster Town Meeting. All acts, votes, and proceedings of the

Amend the bill by replacing line 4 on page 3 with the following:

7 Effective Date. This act shall take effect upon its passage.

Adopted.

HB 136-FN, Relative to sunset review of public utilities commission - gas - pipeline carriers.

SENATOR CHANDLER: This enrolled bill amendment corrects a typographical error.

Amend the bill by replacing line 4 on page 1 with the following:

shall terminate on July 1, 1993, subject to RSA 17-G.

Adopted.

SB 86-FN-A Relative to a memorial for Governor Sherman Adams.

SENATOR CHANDLER: This amendment corrects the title of the bill.

Amend the title of the bill by replacing it with the following:

## AN ACT

relative to a memorial for Governor Sherman Adams  
and making an appropriation therefor.

AN ACT relative to a memorial for Governor Sherman Adams and  
making an appropriation therefor.

Adopted.

## ENROLLED BILLS REPORT

HB 241, Relative to workers' compensation.

SB 21, Relative to administrative inspection warrants.

SB 63, Acquiring land on the Connecticut River and making an ap-  
propriation therefor.

SB 67, Increasing the local share of hazardous material transporta-  
tion fund fees allocated to local emergency response programs.

SB 72, Relative to the industrial development authority and indus-  
trial development revenue bonds.

SB 155, Relative to the toll barrier north of the Massachusetts state  
line on the central turnpike, southbound.

SB 220, Relative to redemption after a tax sale.

HB 18, Authorizing the secretary of state to appoint an office super-  
visor when an assistant secretary of state vacancy exists.

HB 36, Relative to alimony and property settlements and fault  
grounds in divorce.

HB 260, Providing for the reconstruction of a section of Prescott  
Road in the town of Raymond, and relative to the rehabilitation of  
the Westminster bridge on routes 12 and 123 in the town of Walpole  
and making an appropriation therefor.

HB 607, Increasing the personal needs allowance for recipients of  
medical assistance residing in nursing homes, and making an appro-  
priation therefor.

HB 650, Directing the supreme court to establish a guardian ad li-  
tem compensation fund and relative to retired superior court jus-  
tices.

HB 659, Relative to payment of court appointed guardians and court costs in certain cases and making an appropriation therefor.

HB 702, Relative to workers' compensation medical and vocational rehabilitation benefits.

SB 26, Prohibiting homosexuals from adopting or being foster parents.

SB 128, Authorizing the construction of a Keene bypass extension and making an appropriation therefor.

SB 199, Relative to branch banking.

HB 379, Relative to the retention of certain state-owned lands.

HB 421, Relative to conservation commissions.

HB 589, Relative to adjusted elderly exemptions.

HB 595, Changing the time and place for holding the first meeting of the county convention.

HB 599, Relative to submetering in campgrounds by master meter utility customers.

HB 671, Relative to disability benefits for firefighters.

HB 701, Relative to the fee charged for copies of checklists.

Adopted.

Recess

Out of Recess

Senator Bond in the Chair.

### SUSPENSION OF THE RULES

Senator Dupont moved to suspend the rules to allow for a committee of conference report on HB 276-FN-A.

Adopted.

### COMMITTEE OF CONFERENCE REPORT ON HB 276-FN-A

The committee of conference to which was referred House Bill 276-FN-A, An Act relative to the rate of the real estate transfer tax, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Temporary Rate for Real Estate Transfer Tax. Notwithstanding the provisions of RSA 78-B:1, I, for the biennium ending June 30, 1989, a tax shall be imposed upon the sale, granting and transfer of real estate and any interest therein, other than by devise or by the laws regulating intestate succession and descent. The rate of the tax is \$.35 per \$100 or fractional part thereof, of the price or consideration for such sale, grant or transfer; except that where the price or consideration is \$4,000 or less there shall be a minimum tax of \$14. Notwithstanding the foregoing provisions, there shall be no tax as exempted by RSA 78-B:2.

*Conferees on the Part  
of the Senate*

Sen. Dupont, Dist. 6

Sen. Bartlett, Dist. 19

Sen. Blaisdell, Dist. 10

*Conferees on the Part  
of the House*

Rep. Ward, Graf. 1

Rep. Kidder, Merr. 2

Rep. Scamman, Rock. 19

Rep. Chambers, Graf. 12

Senator Dupont moved to adopt the committee of conference report.

Adopted.

Senator Preston wished to be record as opposed to committee report.

Recess

Out of Recess

Senator Bartlett in the Chair.

Senator Hounsell moved that the business of the day being completed, the Senate recess to the Call of the Chair for the sole purpose of receiving messages from the House and Enrolled Bills Reports.

Adopted.

Recess.

*Tuesday, May 19, 1987*

Out of Recess.

Senator Dupont moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, and that when we adjourn, we adjourn until Tuesday, May 19, 1987 at 12:00 noon.

Adopted.

#### LATE SESSION

Senator Dupont moved to adjourn.

Adopted.

Adjourned.

*Tuesday, May 19, 1987*

Senate met at 12:00 Noon.

Senator Freese in the Chair.

A quorum was present.

Prayer was offered by Senator Hounsell.

Trust in the Lord with all thine heart and lean not to thine own understanding. In all thy ways acknowledge Him and He shall direct thy paths. Trust therefore in the Lord.

Amen

Senator Blaisdell led the Pledge of Allegiance.

Senator Johnson moved that the Senate observe a 30 second period of silent prayer in recognition of the tragedy involving the USS Stark in the Persian Gulf.

#### INTRODUCTION OF GUESTS

#### HOUSE MESSAGES



HOUSE DISCHARGES THE CONFEREES  
APPOINTED NEW CONFEREES

HB 296, Establishing a department of securities and making an appropriation therefor.

The Speaker appointed Reps: Fraser, Buckley, Packard and McCain.

The Chair appointed Senators Delahunty, Dupont and Blaisdell.

HB 440, Relative to intrastate motor carriers.

The Speaker appointed Reps: Malcolm, Flanders, B. Knight and Thurston.

HOUSE ADOPTS COMMITTEE OF CONFERENCE REPORTS

HB 345, Relative to salaries of probate judges and the sessions of probate courts and making an appropriation therefor.

HB 224, Establishing a study committee to ascertain the feasibility of establishing restaurants along the turnpike system where permissible.

HB 144, Relative to sunset review of the department of resources and economic development-bureau of off-highway recreational vehicles.

HB 156, Relative to sunset review of the nurses registration board.

HB 348, Relative to the division for children and youth services and appropriating funds for certain employee benefits.

HB 168, Relative to sunset review of joint board of engineers, architects and land surveyors.

HB 190, Relative to district court venue in landlord and tenant actions.

HB 152, Relative to sunset review of the board of education-administration and support.

HB 124, Relative to sunset review of the real estate commission.

HB 126, Relative to sunset review of the commission on the status of women and making certain changes relative to the commission.

HB 355, Relative to the assumption of local probation fundings by the state and making an appropriation therefor.

HB 167, Relative to sunset review of the Department of postsecondary vocational-technical education.

HB 201, Relative to the use of the New Hampshire hospital buildings and relative to the disposal of state-owned property.

HB 10, Relative to state employee salaries and judicial salaries and making an appropriation therefor.

HB 83, Relative to the Cornish-Windsor bridge and making an appropriation therefor.

HB 104, Relative to sunset review of the office of state planning.

HB 107, Relative to sunset review of the department of revenue administration-community services.

HB 133, Relative to sunset review of state liquor commission-merchandising and relative to the state liquor commission.

HB 142, Relative to sunset review of the fish and game department-administration and support.

HB 143, Relative to sunset review of the department of fish and game - law enforcement.

HB 165, Relative to sunset review of the department of employment security and relative to appellate procedure in such department.

HB 554, To revise municipal tax sale practices.

HB 629, Relative to the administration and investments of the New Hampshire retirement system.

HB 641, Relative to various motor vehicle laws.

HB 695, Relative to committal orders for persons found not guilty by reason of insanity.

HB 725, Relative to the attorney general.

HB 727, Relative to the right-to-know law.

HB 508, Authorizing transfers within a program appropriation unit of the department of health and human services.

HB 692, Establishing an involuntary treatment task force.

HB 479, Relative to delaying condominium conversions following certain rental increases.

HB 276, Relative to the rate of the real estate transfer tax.

#### COMMITTEE OF CONFERENCE REPORT ON HB 300-A

The committee of conference to which was referred House Bill 300-A, An Act making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1988, and June 30, 1989, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1.07, Budget Footnotes; General, with the following:

##### 1.07 Budget Footnotes; General.

##### A. Centralized Data Processing.

I. The department of administrative services shall, prior to performing data processing services for any department, board, commission, institution or other agency, enter into a written agreement specifying in detail the services to be performed and the cost to the agency. Said agreement shall be binding on the division of information services and the other agency. Any change or modification in the services to be performed shall likewise be agreed to in writing and shall specify the change and the adjustment to the cost. Any dispute relative to such agreements shall be resolved by the attorney general. The provisions of this paragraph shall apply to operations and systems development services only. The provisions of this paragraph shall not permit any state department, board, commission, institution or other agency to contract for data processing services without the approval of the department of administrative services.

II. The department of administrative services is hereby authorized to make expenditures in excess of the amounts appropriated by section 1 of this act to the extent that other agency income received by the department including but not limited to income from governmental and political subdivisions exceeds the anticipated other agency income in section 1 of this act.

III. This appropriation shall not be transferred or expended for any other purpose and any expenditures shall have the prior approval of the department of administrative services. Before the final closing of accounts by the comptroller, he shall record all outstanding liabilities due to and from each state department for the purpose of establishing a final user assessment or rebate which shall also include all planning and support charges. Such computed assessment shall be recorded and collected within 30 days of the billing date or shall be carried as an accounts receivable. Any uncollectable accounts receivable shall be reported to the legislature by the director of accounting for appropriate adjustment no later than January 15, 1989.

B. Revenue shall be deposited with the state treasurer as unrestricted revenue.

C. Revenues in excess of the estimate may be expended with prior approval of the fiscal committee and the approval of the governor and council.

D. The funds in this appropriation shall not be transferred or expended for any other purpose.

E. The funds in this appropriation are for general overhead state charges and such sums shall be transferred by the comptroller on the first day of each fiscal year from the agency to the general fund of the state consistent with federal requirements.

F. This appropriation shall not lapse until June 30, 1989.

G. The funds in this appropriation shall not be transferred or expended for any other purpose and shall not lapse until June 30, 1989.

Amend the bill by replacing all after section 1 with the following:

## GENERAL SECTIONS

2 General Fund and Total Appropriation Limits. The amount included in PAU 06,06 (higher education fund) under estimated source of funds from general fund shall be the total appropriation from general funds for such PAU that may be expended for the purpose of section 1 of this act. Any funds received by said agency from any other source than general funds in excess of the estimate of funds from other than general funds are hereby appropriated for the use of the agency and may be expended by it whether or not this will result in an appropriation and expenditure by the agency in excess of the total appropriation therefor. (GB2, HB 2, HA 2, SF 2, CC 2)

3 Fish and Game Department.

1. The comptroller, in a form acceptable to him, shall require the executive director of the fish and game department to prepare a

listing of all claims against available federal funds allocated to the fish and game department as of June 30, 1987, to be submitted to the comptroller no later than July 10, 1987. All claims listed shall be reviewed by the department of administrative services and compared to the records maintained at the fish and game department to insure that all direct and applicable indirect federal participating expenditures through June 30, 1987, have been included. All federal project records shall be completely up to date at all times, and billings for federal reimbursements shall be made on a timely basis. A federal project status report, as prescribed by the comptroller, shall be submitted quarterly — on October 10, January 10, April 10 — to the department of administrative services for review. The comptroller shall report his findings and recommendations as to the status of the federal funds and related appropriations to the fiscal committee of the general court within 40 days after the close of each quarter.

II. Prior to closing the state accounts for each fiscal year, the comptroller shall adjust for federal revenue in the fish and game fund. All unrecorded prior year reimbursements from federal funds shall be deposited into the fish and game fund. (GB3, HB 3, HA 3, SF 3, CC 3)

#### 4 Emergency Appropriations for Motor Vehicle Replacement.

I. It is hereby declared to be the intent of the general court that the appropriations made by section 1 of this act shall be sufficient to meet the requirements of each department, institution, board, commission, or other agency for motor vehicles of a gross vehicle weight of 3 tons or less or replacements thereof. In the event, however, that any department, institution, board, commission, or other agency, after consultation with the director of plant and property management and the fiscal committee, finds that the cost of repair to any such motor vehicle is prohibitive and that it would cause an extreme hardship for said department, institution, board, commission, or other agency to operate without such motor vehicle, the chief executive of said department, institution, board, commission, or other agency shall request the governor with the approval of the council for authority to expend the sums needed for a replacement vehicle. For the purposes of this section, each replacement vehicle shall be a subcompact front wheel drive vehicle unless the fiscal committee determines upon application of the department, institution, board, commission, or other agency that there is a clear and convincing need to replace such a vehicle with some other type of vehicle. There is hereby appropriated for said purpose the sum of \$200,000 for the biennium ending June 30, 1989. The sums appropriated shall not be



transferred or expended for any other purpose. The governor is authorized to draw his warrants for said sums, which shall be a charge against the general fund.

II. For the fiscal years ending June 30, 1988, and June 30, 1989, the governor is authorized to draw his warrants for any authorized replacement requested by a special fund agency, which shall be a charge against the appropriate fund.

III. The provisions of this section requiring each replacement vehicle to be a compact or subcompact vehicle shall not apply to the department of safety law enforcement traffic control vehicles. (GB5, HB 5, HA 4, SF 4, CC 4)

#### 5 Parks Division.

I. For the biennium ending June 30, 1989, the commissioner of resources and economic development may, with the prior approval of the fiscal committee and with the approval of the governor and council, utilize up to \$250,000 of the projected revenue for each fiscal year to effectively operate the parks division and insure the maximization of revenue.

II. Actual revenue received in excess of \$5,400,000 parks income each year adjusted by amounts appropriated in other sections of the biennial budget act, and such funds as may be utilized in accordance with paragraph I, shall be carried over to the following year for the purpose of maintenance projects within the parks system in an amount not to exceed \$250,000 per year. Funds may be used only with the prior approval of the fiscal committee and with the approval of the governor and council for necessary maintenance projects.

III. The division of parks with the approval of the commissioner, department of resources and economic development, may provide for differentials in rates on a case by case basis in a particular day or limited period when the quality of the facility is substantially reduced due to such natural causes as poor snow, ice conditions, cold, rain, or other environmental or equipment problems or for the purpose of cooperative marketing or market experimentation. (GB6, HB 6, HA 5, SF 5\*, CC 5)

6 Department of Postsecondary Vocational-Technical Education. It is the intent of the general court that the department of postsecondary vocational-technical education be thoroughly responsive to the needs of business and industry in providing needed technical education and vocational training in the most cost effective, efficient, and timely manner possible. For the biennium ending June 30, 1989, the commissioner of the department of post-secondary vocational-technical education is hereby authorized to:



I. Accept and expend any recovery made of the matching share of the work-study program in order to earn additional federal funds.

II. Upon prior approval of the board of governors and the fiscal committee, transfer or eliminate instructional programs as student, business, and geographic area needs change, as well as transfer such associated personnel, equipment, and instructional appropriations between and among the several functional units within the department in order to provide the necessary flexibility to enable the department to respond rapidly to changing needs for technical education and training in the market place. (GB 7, HB 7\*, HA 6, SF 6\*, CC 6)

7 Assignment of Office Space. If during the biennium ending June 30, 1989, because of program reductions, consolidations, or any other reason, office space becomes available in the health and human services complex, the Hayes building, or any other state building, except office space under the control of the legislature pursuant to RSA 14:14-b, the commissioner of administrative services shall, with the prior approval of the fiscal committee, and with the approval of the governor and council, require that any agency renting private space be required to occupy such available space in said building or buildings forthwith. Such funds as have been allotted or committed by any agency affected by this section for outside rental shall be transferred by the comptroller to the bureau of general services, PAU 01,04,05,05,01 for the maintenance of state buildings. (GB8, HB 8, HA 7, SF 7, CC 7)

8 Teacher Certification. For the biennium ending June 30, 1989, the state board of education is hereby authorized to expend, in accordance with RSA 186:11, X, any existing balance and any funds which may become available during the biennium in PAU 06,03,04,04,01. Such expenditures, to be made as necessary for the efficient operation of said office, shall not require the expenditure of state general funds and, further, shall be subject to the prior approval of the fiscal committee and the approval of the governor and council. (GB9, HB 9, HA 8\*, SF 8)

9 Sweepstakes Commission; Authority Granted. For the biennium ending June 30, 1989, in order to provide sufficient funding to the sweepstakes commission to carry out sweepstakes programs that will provide funds for distribution in accordance with RSA 284:21-j, the commission shall apply to the fiscal committee of the general court for approval of any new sweepstakes programs or for the purchase of any tickets for new or continuing games. The commission is

authorized to transfer up to \$25,000 per quarter for any sweepstakes current expense item upon subsequent notification within 10 days to the fiscal committee and the governor and council citing the reasons and justification therefor. Additionally, no expenditures for consultants shall be contracted without prior approval by the fiscal committee. If approval of any such new program, purchase of tickets or consulting services is given, the commission may then apply to the governor and council to transfer funds from the sweepstakes revenue special account. The total of such transfers shall not exceed \$3,000,000 for the biennium ending June 30, 1989. (GB 10, HB 10\*, HA 9, SF 9\*, CC 9\*)

10 Positions Abolished. The following positions in the below listed components and sub-components are abolished forthwith effective at the close of business on June 30, 1987, or later as specifically indicated:

<i>Budget Number</i>	<i>Position Numbers</i>
02-13-04-02	13962, 30466, 30481, 13943, 13982, 13989, 14047, 14064, 14084, 14090, 14092, 14102, 14110, 14120, 14143, 14192, 14226, 30465, 30471, 30479, 30482, 30498, 30500.
03-01-03-01-00	13920.
04-01-03-06-00	17203, 17209, 17210, 17211, 17213, 21300, 21457, 21564, 21775.
04-01-03-05-00	17224, 17244, 17245, 21439.
05-02-02-02-03	14677, 30560, 14834, 14730.
05-02-05-01-02	15362.
05-02-05-01-07	15234, 30697, 30717, 30719, 30721, 15186.
05-02-05-01-03	15132, 15200, 15221, 30720.
05-02-05-03-02	Positions to be abolished at close of business June 30, 1988: 15484, 15477, 15450, 15528, 30796, 17167, 15511, 15482. Positions to be abolished at close of business June 30, 1989: 15485, 15508, 15500.
05-02-05-03-03	Positions to be abolished at close of business June 30, 1988: 15490, 15499, 17158, 15458, 15527, 15465, 15268, 30785, 15033, 15043, 15047, 15047, 15087, 15135, 15178, 15284, 15298, 15353, 15376, 15040, 15216, 15267, 15277, 15288, 30639, 15170, 15247, 15142, 15163, 15442, 15172, 30730, 30740, 30780, 15359, 15408, 15004, 15055, 15072, 15074, 15187, 15249, 15264, 15301, 15323, 15366,

30659, 15021, 15035, 15048, 15060, 15094,  
 15114, 15122, 15137, 15188, 15189, 15207,  
 15214, 15237, 15259, 15285, 15287, 15358,  
 15564, 30604, 30609, 30661, 30682, 30691,  
 30693, 30708, 30722, 15071, 15233, 15290,  
 15386, 15432, 15613, 15332, 15347, 15388,  
 30662, 15219, 15311, 15365, 15405, 15295,  
 15349, 15614, 15073, 15518, 15061, 15159,  
 15027, 15016, 15166, 15407, 15443, 15563,  
 9u237, 9u238, 9u239, 9u240, 15385, 15444,  
 15129, 15303, 15463, 15300, 15304, 15063,  
 15158, 15229, 15354, 30687, 15434, 15279,  
 15076, 15404, 15068, 15240, 15399, 15067,  
 15438, 15315, 15269, 15329, 15083, 15177,  
 15253, 15416, 15381, 15321, 30729, 15050,  
 15334, 15092, 15182, 15263, 15435, 15446,  
 15280, 30648, 15143, 30784, 15130, 15199,  
 15313, 15591, 15013, 30620, 15204, 15242,  
 15039, 15149, 15206, 15343, 30611, 15046,  
 15379, 30755, 15299, 15387, 15151, 15220,  
 15350, 30612, 15383, 15205, 15571.

Positions to be abolished at close of business  
 June 30, 1989: 15015, 15058, 15257, 15136,  
 15320, 15355, 15191, 15294, 15215, 30725,  
 15193, 15552, 15373, 15183, 15217, 30606,  
 15328, 15141, 15224, 30686, 15112, 15411,  
 15227, 30709, 30703, 15070, 15250, 15025,  
 15309, 15081, 15255, 15213, 30700, 15157,  
 15260, 15419, 15390, 15180, 15275, 15133.

05-02-05-03-01 Positions to be abolished at close of business  
 June 30, 1988: 15484, 15477, 15533.

Positions to be abolished at close of business  
 June 30, 1989: 15508, 15500.

05-02-05-03-04 Positions to be abolished at close of business  
 June 30, 1988: 15548, 15580, 15593, 15599,  
 15625, 15640, 15655, 15633, 15650, 15684,  
 15659, 15639, 15546, 15557, 15584, 15674,  
 15643, 15672, 15683, 15578, 15592, 15608,  
 15610, 15621, 15644, 15667, 15681, 15685,  
 30765.

Positions to be abolished at close of business  
 June 30, 1989: 15622, 15648, 15556, 15618,  
 15682, 30766.

05-02-05-03-05 Positions to be abolished at close of business

June 30, 1988: 17169, 17170, 15603, 15601, 15653, 15652, 15686, 15590.

05-02-05-03-06 Positions to be abolished at close of business  
June 30, 1988: 30592, 15609, 15668, 15645, 15634, 9u241, 9u242, 9u243, 9u244.

05-02-04-04-05 12293, 12339, 12434, 30326, 12473, 12320, 12414.

06-01-02-00-00 30412.

06-03-03-01-03 30371.

06-03-04-01-06 16936.

06-03-04-01-04 13186.

06-04-07-01-00 13658.

06-04-08-01-00 17018, 13711, 13710, 13701.

06-03-05-05-01 30397, 30404, 30400, 30396, 30403, 30399, 30389, 30401, 30398, 30385, 30384, 30380, 30369.

Workers Rehab. Program

- Not Budgeted: 13253, 30390, 30393, 30392.

Teacher Training

- Handicap

- Not Budgeted: 16949.

(GB 11, HB 11\*, HA 10, SF 10\*, CC 10)

11 Attorney General; Special Provision. For the biennium ending June 30, 1989, filing fees received by the attorney general pursuant to RSA 7:28-a shall be deposited with the state treasurer as restricted revenue; and any excess of such revenue over the amounts appropriated for the division of charitable trusts shall lapse to the unappropriated surplus of the general fund. Expenditures from this fund shall not be made except by appropriation by the general court. (GB 13, HB 13, HA 11, SF 11, CC 11)

12 Appropriation of Unrestricted Motor Vehicle Revenue. All sums received by the division of motor vehicles or the division of state police, department of safety, from any source, which are not derived from registration fees, drivers' licenses, gasoline road tolls or any other special charges or taxes with respect to the operation of motor vehicles or the sale or consumption of motor vehicle fuels, including revenue received from fines and forfeitures assessed against any violator of any law of the state, other than RSA 266:18-266:26, or of any political subdivision thereof relative to the use and operation of motor vehicles, whether the violator is apprehended or prosecuted by an employee of the state or any political subdivision thereof, shall be paid to the state treasurer and shall, for the bien-

nium ending June 30, 1989, be available for expenditure as unrestricted general fund revenues of the state. Fines and forfeitures assessed against any violator of RSA 266:18-266:26 shall be available as unrestricted highway fund revenues. (GB14, HB 14, HA 12, SF 12, CC 12\*)

13 Appropriation; Negative Balances. There is hereby appropriated to the department of administrative services in addition to any other sums appropriated for the fiscal year ending June 30, 1987, the sum of \$447,802.69 from the general funds of the state and \$13,186.03 from fish and game funds for the sole purpose of satisfying negative balances due to federal audit exceptions and non-recoverable items which have developed over the past several years in the following listed accounts:

010-002-1203	\$ 53.95	010-046-5745	\$ 7,841.03
010-002-1204	21,770.93	010-046-5747	121.54
010-002-4030	5,124.95	010-046-5748	143.60
010-002-7704	295,689.75	010-046-7040	914.93
010-026-6230	322.21	010-046-7090	418.04
010-026-7010	1,252.53	010-046-7091	.09
010-040-7406	2,284.00	010-046-7092	15.44
010-081-2842	2,079.63	010-046-7108	11.03
020-075-2307	13,186.03	010-046-7134	633.09
010-020-2443	4,619.04	010-046-7135	19.12
010-088-2745	2,224.29	010-046-7136	51.49
025-088-8034	1,046.88	010-046-8253	1,262.43
010-090-4519	824.50	010-046-8281	.30
010-090-5114	238.00	010-046-8282	5.78
025-090-4532	150.00	010-046-8283	79.14
025-090-5520	493.03	010-046-8285	22.21
025-090-5553	31,745.41	010-046-8286	1,312.22
010-090-5140	25,615.00	010-046-8287	2,399.06
010-036-3854	45.32	010-033-3800	25,050.00
010-012-2233	11,922.73	(GB 16, HB 16, HA 13, SF 13, CC 13*)	

#### 14 Department of Corrections.

I. The department of corrections is budgeted based on a projected prisoner population of 825 in fiscal year 1988 and 900 in fiscal year 1989. In the event that the total resident prisoner population exceeds 875 during fiscal year 1988 or exceeds 950 in fiscal year 1989 the commissioner of corrections may request, with prior approval of the fiscal committee, that the governor and council authorize additional incremental funding per additional prisoner for the balance of



the fiscal year based on an annual per capita cost of \$9,000 in order to provide for the safe and humane operation of the state prison.

II. In the event that a female offender facility is established, the commissioner of corrections may request, with prior approval of the fiscal committee, that the governor and council authorize funding to provide for the safe and humane operation of the female facility.

III. The governor is authorized to draw his warrant for such sums as may be required in paragraph I and II from any money in the treasury not otherwise appropriated. (GB17, HB 17, HA 14, SF 14, CC 14)

15 Department of Education. The funds remaining in PAU 06-03-02-03 special initiatives programs 1985 Chapter 406 shall not lapse until June 30, 1989. (GB20, HB 20, HA 16, SF 16, CC 15)

16 Fish and Game Equipment; Appropriation. There is hereby appropriated to the fish and game department, in addition to any other sums that may be appropriated, the sum of \$19,000 for fiscal year 1988 and \$156,000 for fiscal year 1989 for the purposes of purchasing equipment for the Durham and Lancaster regional offices and the Concord office. These funds shall not be transferred or used for any other purpose. This appropriation shall be a charge against the fish and game fund. (HB 22, HA 18, SF 17, CC 16\*)

17 Lapse to Highway Fund. On June 30, 1987, the balance in the reflectorized plate inventory fund account number 15-23-8106 shall lapse to the highway fund. (SF 18, CC 17)

18 Study Committee; Indigent Defender Program. The indigent defender program study committee is hereby established to study the indigent defender program, including, but not limited to, its cost effectiveness and efficiency. The committee shall consist of the following members: one member of the senate finance committee appointed by the chairman of the senate finance committee; one member of the house appropriations committee appointed by the chairman of the house appropriations committee; one member of the senate judiciary committee appointed by the senate president; one member of the house judiciary committee appointed by the speaker of the house; and one member to be appointed by the governor. The committee shall submit a written report on its efforts to the president of the senate, the speaker of the house, and the governor by December 1, 1987. The administrative office of the courts, the department of administrative services, the judicial council and all agencies and institutions of state government shall cooperate with



the study committee and provide such assistance as the committee may require, except that the committee may not require the presentation of information which is protected by law from disclosure. In addition to such assistance received from state agencies, the study committee may contract for professional services as necessary within the limits of the funds available for such services. The sum of \$25,000 is hereby appropriated to the study committee for the biennium ending June 30, 1989. The governor is authorized to draw his warrant for said sum, which shall be a charge against the general fund. (SF 19, CC 18\*)

19 Oversight Committee. There is hereby established a legislative oversight committee on data processing. The committee shall advise the fiscal committee on matters related to present and proposed expenditures of funds for data processing and such other matters as may be referred to it by the fiscal committee. The committee shall consist of 2 members of the senate appointed by the president of the senate and 2 members of the house appointed by the speaker of the house of representatives. The committee shall choose a chairman from its membership and shall meet at the call of the chairman. (CC 19)

20 Police Standards and Training Council. In case increased enrollment makes necessary the expenditure of additional funds by the police standards and training council over budget estimates in order to meet mandated training requirements, the legislative fiscal committee, with the concurrence of the governor and council, may authorize the police standards and training council to transfer unappropriated penalty assessment funds to operating accounts for such purposes. (SF 21, CC 20)

#### 21 Special Initiatives Program.

I. There is hereby appropriated for the fiscal year ending June 30, 1987, to the special initiatives program, office of the commissioner, department of education, the following sums: \$2,450,000 to elementary-secondary initiatives; \$250,000 to the Christa McAuliffe memorial fund; and \$500,000 to educational management initiative. The funds in this appropriation shall not be transferred or expended for any other purpose and shall not lapse until June 30, 1989. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

II. The funds appropriated to the Christa McAuliffe memorial fund in paragraph I shall be used for the purposes of the Christa McAuliffe sabbatical program which provides a 10 month sabbatical

to an eligible New Hampshire teacher. The recipient of such sabbatical shall be required to meet all the qualifications of such program. (SF 22, CC 21)

22 Lapse to General Fund. On June 30, 1987, the sum of \$298,654.48 in account number 10-23-1110, driver and safety education fund carried forward from fiscal 1986 to fiscal 1987, shall lapse to the general fund. (CC 22)

23 Legislative Intent. It is the intent of the legislature that the department of transportation should expend no funds in excess of the funds appropriated to the department in section 1 of this act and supplemental appropriations made to the department by the 1987 session of the general court. If the department of transportation plans to request additional funds under RSA 228:12 during the biennium ending June 30, 1989, the request should be submitted by administrative services to the legislative fiscal committee for its information on the same day the agenda is submitted to the governor and council. (CC 23)

24 Advisory Committee Established. There is hereby established an advisory committee on school building aid to determine how to best deal with the issue of school building aid and the problems resulting from the issuance of bonds or notes for terms of less than 20 years, for the 1988 session of the general court. The committee shall consist of not more than 3 members of the senate appointed by the president of the senate and not more than 3 members of the house appointed by the speaker of the house of representatives. The committee members shall choose a chairman from its membership and shall meet at the call of the chairman. The committee shall report its findings and recommendations to the president of the senate and speaker of the house of representatives on or before October 1, 1987. (CC 24)

## 25 Estimates of Unrestricted Revenue.

<i>GENERAL FUND</i>	<i>1988</i>	<i>1989</i>
Beer	12,400,000	12,800,000
Board & Care	16,700,000	16,500,000
Business Profits Tax	143,000,000	145,000,000
Estate & Legacy Taxes	17,000,000	17,000,000
Insurance	34,000,000	34,800,000
Interest & Dividends Tax	27,600,000	28,500,000
Liquor	47,000,000	47,000,000

Meals and Rooms Taxes	76,000,000	83,000,000
Parks Income	5,400,000	5,400,000
Dog Racing	8,190,000	8,190,000
Horse Racing	1,010,000	1,510,000
Real Estate Transfer Tax	48,000,000	50,000,000
Telephone	8,000,000	8,000,000
Tobacco	31,000,000	30,000,000
Utilities	6,700,000	6,900,000
Other	30,420,000	31,620,000
Courts	19,900,000	21,000,000
Savings Bank Tax	8,500,000	8,800,000
Total	540,820,000	556,020,000

*HIGHWAY FUND*

	1988	1989
Gasoline Road Toll	81,800,000	85,100,000
Motor Vehicle Fees	46,500,000	48,000,000
Miscellaneous	3,000,000	3,000,000
Total	131,300,000	136,100,000

*FISH AND GAME FUND*

	1988	1989
Fish and Game Licenses	4,200,000	4,400,000
Fines and Penalties	50,000	60,000
Miscellaneous Sales	120,000	120,000
Indirect Costs	150,000	160,000
Total	4,520,000	4,740,000

(GB21, HB 21\*, HA 17\*, SF 23\*, CC 25\*)

26 Effective Date.

I. Sections 13 and 21 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 1987.

*Conferees on the Part  
of the Senate*

Sen. Bartlett, Dist. 19  
 Sen. Blaisdell, Dist. 10  
 Sen. Hough, Dist. 5

*Conferees on the Part  
of the House*

Rep. Scamman, Rock. 19  
 Rep. Kidder, Merr. 2  
 Rep. Gross, Merr. 16  
 Rep. Hager, Merr. 21  
 Rep. Ramsay, Ches. 10

SENATOR BLAISDELL: I'm pleased to report to you that I believe that the conference report on HB 300-A that you're being asked to accept today truly reflects the Senate philosophy. It manages the expenditure of the State monies by checking the rate of increase in the growth of New Hampshire State Government. Yet, it does not

neglect the responsibility that the State has relative to assisting local governments. This conference report restores the ten million to the State revenue sharing account for distribution to the cities and towns. It fully funds the State for education, special education, catastrophic cost and there are many others too numerous to list, but if you'd like them I'd be very glad to do it. Knowing full well that the ladies in this room are going to be leaving in a very short few minutes, I'd like to talk to you just briefly about the differences for the record and the general fund appropriation and gross funds appropriation, the appropriation act.

The Governor recommended spending for the biennium that amounted to 2.67 billion, of which 1.09 billion would be from general funds. The House passed to the Senate a bill that provided for the expenditure of 2.72 billion for the biennium, of which 1.14 billion would be from general funds or 46.4 million more than the Governor recommended. The Senate passed a bill calling for spendings of 2.66 billion for the biennium, requiring 1.09 billion of general funds and that was a million dollars less than the Governor, and 47.8 million less than the House. The conference report has a gross value of 2.68 billion, of which 1.11 billion would be from general funds. From the Senate's position, I emphasize this, that's an appropriation of 22 million more in general funds, of approximately 19 million, that I submit to you as why I'm convinced that the Senate's philosophy on fiscal matter is visibly apparent in HB 300, as it is finalized in the conference report, which is before you at this time.

Your conference committee, I believe, Mr. President, members of the Senate, acted responsibly and in the best interest, not only as the Senate but for the State of New Hampshire and its people. Senator Dupont, Senator St. Jean and Senator Hough and certainly last but not least, Senate President William Bartlett, were a pleasure to work with and I say added much to the harmony of the committee. I think the House is satisfied. I noticed the House Appropriations Chairman this morning said it's one of the best budgets that has ever come out. That's due to the hard work of Senate Finance, I believe, and certainly the conference committee. I ask your support of this and hope that you will recommend it to the House for passage.

SENATOR HOUGH: I wish to speak in support of the conference committee on HB 300. I appreciate that some of our colleagues are going to be leaving very shortly, so I will limit my remarks to some general points. I would be willing to answer questions specifically, but I think we've all been aware of what the conference has accom-

plished during the last many days. In general, I'd like to indicate to you that your committee on Finance, starting back in December and in early January, met under the leadership of Senator Blaisdell and it's a testament to his chairmanship and his leadership that he recognized that the committee was made up of eight very distinct individuals, who had their own points of view. He recognized that he could put his trust in their hard work. The committee, under his leadership, worked very closely throughout this session and has brought to you a product that you can be very proud of in that it does strike the Senate's position. It recognizes the needs of education and it recognizes the needs of human service. That's where the emphasis of this conference report is. It also recognizes the problem the government always faces, in that the government has an ability to grow upon itself. It does curtail the size of government. In conclusion, not only do I wish to compliment Senator Blaisdell on the fine job that he did in working with his committee on your behalf, but I would also like to compliment the President of the Senate, because he had trust in his chairman and he had trust in the members of the committee. Unlike in the sessions of the past, the Senate President did not interfere in the daily deliberations of the committee. All through the process, right to the end, he put his faith in the leadership of his committee and the members and in so doing he has proven his effective leadership and you now have a product that sets the tone. It has allowed the Senate to seize the initiative and in this legislative body, or in this legislature - the Senate, undoubtedly and indisputedly is the determining factor. I'd be happy to answer any questions but I appreciate this opportunity to make these general remarks at this time.

Senate moved to adopt the committee report.

Adopted.

SENATOR BARTLETT: I would personally at this time like to thank the Finance Committee for all the hard work that they did during the session, and most particular the conferees. The conferees certainly showed to everyone that was in attendance that they had done their homework and were aware of the budget and I think it was their hard work and understanding of the budget that made the budget come together so easy. I just wish to thank you all.

#### SUSPENSION OF THE RULES

Senator Krasker moved to suspend the rules to allow the committee of conference report on HB 322, received after the deadline.



HB 322-FN-A, Relative to the AIDS virus and making an appropriation therefor.

SENATOR MCLANE: I rise in strong support of the pending motion, because I attended the committee hearings this morning on HB 322 which is, as you all know, the bill which would appropriate a significant amount of money, \$644,000, for education and AIDS testing. I believe that this bill is so important to this State at this time that it would be irresponsible of anyone to vote against it because of their own political whims. We were made aware in the committee of conference that there has been legislation in 27 States calling for some sort of AIDS legislation and that those states which have called for mandated testing have all, and I repeat, all, turned down that legislation. I think it would be a tragic thing today if New Hampshire, in its efforts to act on this awful question of AIDS, should take the irresponsible position and vote this bill down, thereby losing all that funding. It was pointed out at the hearings that there have been 27 babies born with AIDS in Massachusetts. There have been three in New Hampshire. None of those babies were born to married couples. This is the wrong thing to do if you care about the dreadful subject of AIDS. The medical society and the public health society, both at a local and at a national level, have come out strongly in opposition to mandating testing. The reason that it is a wrong idea is; one, because it would take important funds and important emphasis away from the real job which has to be done. But secondly, there is the problem of the false positive. Evidence presented this morning says that the lower the risk group, the higher the false positives will be. I believe that if any of you have within your own districts married couples who have come forward to be married and one of them test false positive that you can imagine the trauma that those families and those people would go through. Two hundred and eighteen people in New Hampshire, in the next two years, would go through the trauma of the false positive. Of that number, about a third would probably be pregnant and it was pointed out on the floor of the House that if one were pregnant and thought that you or your husband-to-be had AIDS that the probable result would be an abortion. If then the test turned out to be false positive this would indeed be a tragedy. I can not believe that this Senate would not take the advice of those that have dealt in this very complicated and very emotional area, the public health people and the medical society. For that reason I would rise in strong support of the pending motion.



SENATOR DUPONT: As you all know, I was a member of the committee of conference and I did sign off to allow this bill to come to the Senate floor today. When I signed off, I made it clear to the members of the committee of conference that it was my intention to urge that this committee of conference not be allowed to be brought in on the Senate floor today. Susan, you can talk all you want about the trauma of allowing someone to be tested positive on the AIDS test and have, in fact, it really be a false test. But, you haven't convinced me yet that the trauma of having found out that your newborn child has, as a result of unbeknown to either parent, been born with AIDS. I still find it unbelievable to stand here today in a chamber that has debated the welfare of the children of the State of New Hampshire and have you say we should throw caution to the wind and just take our chances.

I had an opportunity on Monday to spend some time talking to some people in my area, some physicians that are really involved in prenatal care and child birth. Your statistics about unborn children being AIDS victims that are children only of unmarried mothers, you can take them and throw them out the window because it will no longer be true in the State of New Hampshire. Secondly, the problem with the AIDS epidemic is that the numbers are changing every day and until we recognize the fact that the seriousness of the problem has been understated in the past and it's time for us to really get on track with a program that will ultimately solve this problem, then we've done nothing for the people of the State of New Hampshire. I'm not going to belabor this point because I understand some of our members have commitments they have to attend to today. But, I just want to leave you with one other little thought: Children's Hospital in Boston is estimating that by the early 1990's, mid 1990's at the latest, that half of their beds will contain AIDS victims. If we have no other reason to pass this bill with premarital testing on it I leave you with that statistic. This committee of conference should not be allowed in today. I made it clear to the House members that I thought the importance of the bill was diminished by it not having premarital testing on and for that reason alone I was willing to offer a compromise that allowed for a waiver of that provision which was in the existing syphilis legislation that was on the books, and it was an all or nothing situation with the House. For that reason I told them that I would not be able to support this committee of conference on the floor today and I urge the members to vote down the suspension of the rules to allow it to come into the Senate today.

SENATOR NELSON: Senator Dupont, how long has the AIDS test been on line? How many years have we had this test?

SENATOR DUPONT: Senator, I can't give you the specific details as to when the test first came on line. I can only tell you that I spoke to a gentlemen that's been involved in the testing of a specific group of individuals in New England that is not related to the high risk populations. His comments were that the test, in the last six months, has become tremendously more accurate than it was in the past. As more testing is done the significance and the importance of the test will only be enhanced. His concern is that if we do the initial test and it turns positive that a second test be given as well as the Western Blot Test. I would also comment that if you talk to people that are familiar with the testing they will tell you that the test is designed to err on the positive side. That is built into the test and there's no reason why the medical society in the State doesn't have confidence in this test because it's the same test that we use to screen blood.

SENATOR NELSON: Just listening to you now, I could now say to myself that this test has been around and used, say several years and perfected within the last six months. Would that be fair?

SENATOR DUPONT: No, that is not true. As with any other medical technique it goes through an ongoing process of improvement.

SENATOR BOND: Having participated with Senator Dupont in the committee of conference, I am convinced of his sincerity in his position on this. But the committee of conference report does not deal with premarital testing. It deals only with \$661,000 for staffing and equipping and educating by public health service. If we defeat the motion to allow introduction of HB 322 we're really, in effect, biting off our noses to spite our faces. We're saying this bill is no good because it doesn't have all that we want in it. I would urge you to support the motion of allowing the committee of conference report to be considered by the body.

SENATOR KRASKER: I think I speak with a very special perspective on this issue because I've been not only a member of the committee that heard the bill and debated it on the floor, but I've been a member of two committees of conference, and as a member of the first committee of conference I signed the committee report that would have allowed premarital testing to go on the bill. I did this because, as a sponsor of the original bill, 322, I realized how important it was to get education out to the public and to have the capacity

to do the original testing. I felt that nothing should jeopardize our ability to have a State plan for the next two years. I feel just as strongly that today we should allow this in and we should vote for this bill because what you see is what you've got. This is what we've got for the next two years, and it's important that New Hampshire have this. I would hope that you would vote favorably on this today, because what is the issue is the bill itself, the original bill that was developed by the Division of Public Health, which we all supported.

Roll Call requested by Senator McLane.  
Seconded by Senator Chandler.

Those in favor: Senators Bond, Hough, Disnard, Roberge, Blaisdell, Pressly, Nelson, McLane, St. Jean, Torr, Preston and Krasker.

Those opposed: Senators Hounsell, Heath, Freese, Dupont, Chandler, White, Charbonneau, Podles, Johnson, Stephen, Bartlett, Delahunty

12 Yeas

12 Nays

Motion lost.

#### ENROLLED BILLS AMENDMENTS

SB 231-FN, Relative to manufactured housing zoning.

SENATOR CHANDLER: This amendment adds wording to reflect the former state of the statute amended in section 1 of the bill. It also corrects the wording of the bill's effective date.

Amend the bill by replacing line 2 on page 1 with the following:

674:32 [Exclusion of] Manufactured Housing. Municipalities shall afford reasonable

Amend the bill by replacing lines 9-10 on page 3 with the following:

- I. Section 2 of this act shall take effect upon its passage.
- II. The remainder of this act shall take effect July 1, 1988.

Adopted.

SB 76, Relative to records management and archives.

SENATOR CHANDLER: This amendment corrects a typographical error, a grammatical error, and 2 reference errors.

Amend the bill by replacing line 14 on page 3 with the following:

II. Make continuing surveys of paperwork operations and recommend

Amend the bill by replacing line 24 on page 3 with the following:

V. Require such reports from agencies as are required for the

Amend the bill by replacing lines 23 and 24 on page 8 with the following:

the state and in compliance with the National Historical Publications and Records Commission. The board may:

Amend the bill by replacing lines 7 and 8 on page 9 with the following:

projects in the state, financed by the National Historical Publications and Records Commission, through the board.

Adopted.

SB 27-FN, Relative to the commemorative rifle or shotgun lottery and the penalty for throwing refuse in and around public waters.

SENATOR CHANDLER: This EBA corrects a typographical error.

Amend the bill by replacing line 19 on page 3 with the following:

by the committee to manufacture the rifle or shotgun shall enter into a

Adopted.

HB 171-FN, Relative to sunset review of the New England interstate water pollution control commission.

SENATOR CHANDLER: This enrolled bill amendment reinserts the original effective date for sections 1 and 2 of the bill, the sunset provisions.

Amend the bill by replacing section 4 with the following:

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect upon its passage.

II. Section 3 of this act shall take effect 60 days after its passage.

Adopted.

SB 125-FN, To appropriate funds for ocean disposal of Rye Harbor dredge material.

SENATOR CHANDLER: This bill makes a correction in the title of the bill, and corrects the reference to a session law section number.

Amend the title of the bill by replacing it with the following:

AN ACT

increasing an appropriation for coastal projects.

Amend the bill by replacing line 21 on page 2 with the following:

3 Bonding Authorization Changed. Amend 1985, 409:11, I as amended by  
Adopted.

SB 69, Enacting the uniform limited partnership act.

SENATOR CHANDLER: This amendment corrects 3 typographical errors.

Amend the bill by replacing line 20 on page 10 with the following:

that the partnership is a limited partnership and the persons designated

Amend the bill by replacing line 18 on page 20 with the following:

304-B:34 Distribution Upon Withdrawal. Except as provided in this

Amend the bill by replacing line 14 on page 27 with the following:

registration unless accompanied by the certification required by RSA

Adopted.

HB 723-FN, Relative to licensing nondepository first mortgage bankers and brokers and relative to second mortgage home loans.

SENATOR CHANDLER: This enrolled bill amendment corrects typographical and grammatical errors.

Amend the bill by replacing line 14 on page 3 with the following:

II. Any first mortgage loan made or brokered under the provisions of

Amend the bill by replacing lines 6 and 7 on page 6 with the following:

experience, personnel, and record of past or proposed conduct warrant the public's confidence and the issuance of a license.

Amend the bill by replacing line 14 on page 9 with the following:  
by the banking department.

Adopted.

HB 623, Relative to the practice of physical therapy.

SENATOR CHANDLER: This amendment corrects a numbering error which inadvertently caused the wrong section to be amended. With this amendment, the correct version of RSA 328-A:12 is retained and the correct version of RSA 328-A:13 is restored.

Amend the bill by replacing lines 8 through 21 on page 6 with the following:

328-A:12 Foreign Trained. A physical therapist trained in a foreign country may apply for licensure if he is a graduate of a school of physical therapy approved by the board, and has taken and passed the examinations for licensure given by the Professional Examination Services.

328-A:13 Powers and Duties of the Board. The board shall keep a record of its proceedings under this chapter and a register of all persons licensed under it. The register shall show the names of every living licensee, his last known place of business and last known place of residence and date and number of his license and certificate as a licensed physical therapist or licensed physical therapist assistant. The board shall, once each year, compile and publish a list of licensed physical therapists and licensed physical therapist assistants.

Adopted.

HB 703-FN, Relative to the board of auctioneers.

SENATOR CHANDLER: This amendment corrects a typographical error.

Amend the bill by replacing line 9 on page 2 with the following:



shall contain a showing as to the applicant's ability to judge the value of

Adopted.

HB 661-FN, Establishing a postsecondary vocational-technical education study committee.

SENATOR CHANDLER: This amendment changes the numbering of the RSA sections inserted by this bill to avoid numbering conflicts with sections enacted by SB 223 of the 1987 session and also corrects a typographical and grammatical error.

Amend the bill by replacing line 2 on page 1 with the following:

section 36 the following new subdivision:

Amend the bill by replacing line 5 on page 1 with the following:

188-F:37 Study Committee. A permanent study committee of 6 members is

Amend the bill by replacing line 10 on page 1 with the following:

188-F:38 Membership. The Committee shall be appointed as follows: 3

Amend the bill by replacing line 12 on page 1 with the following:

member of the senate finance committee, by the president of the senate; and 3

Amend the bill by replacing line 8 on page 2 with the following:

188-F:39 Duties.

Amend the bill by replacing line 1 on page 3 with the following:

188-F:40 Report and Recommendations. The committee shall submit a

Amend the bill by replacing line 8 on page 3 with the following:

188-F:41 Aid and Grants. The committee is hereby authorized to accept

Amend the bill by replacing line 12 on page 3 with the following:

vocational-technical education study committee established in RSA 188-F:37

Amend the bill by replacing line 18 on page 3 with the following:

the chairs of the house and senate education committees.

Adopted.

### HOUSE MESSAGE

The House is ready to meet the Honorable Senate in Joint Convention for the purpose of an address by Mr. Richard Gephart.

Senator Preston moved that we meet in Joint Convention with the House.

Adopted.

Recess

Out of Recess

### ENROLLED BILLS AMENDMENTS

HB 540-FN, Relative to bingo and lucky 7 licenses.

SENATOR CHANDLER: This amendment corrects reference errors in the bill.

Amend the bill by replacing line 9 on page 2 with the following:

[I-a.](b) The provisions of subparagraph II(a) notwithstanding, a

Amend the bill by replacing lines 16-18 on page 2 with the following:

under subparagraph II(a), and charitable organizations licensed under subparagraph II(a) shall be ineligible to receive concurrently an annual license under this subparagraph.

Adopted.

HB 364-FN-A, Establishing an air toxics control program within the division of air resources, department of environmental services, and making an appropriation therefor.

SENATOR CHANDLER: This enrolled bill amendment corrects 2 transposed words.

Amend the bill by replacing line 16 on page 2 with the following:

control, abatement, and limitation of toxic air pollutant emissions.  
Adopted.

HB 288-FN-A, Establishing an office of victim/witness assistance and making an appropriation therefor.

SENATOR CHANDLER: This amendment corrects statutory references in section 1 of the bill to avoid duplicating the numbering of a new section already enacted by HB 547.

Amend the bill by replacing lines 2 and 3 on page 1 with the following:

inserting after section 8-a the following new section:

21-M:8-b Office of Victim/Witness Assistance.

Adopted.

HB 264, Relative to the composition of the court accreditation commission.

SENATOR CHANDLER: This amendment corrects a typographical error.

Amend the bill by replacing line 16 on page 1 with the following:

commission shall each serve for a term of 3 years and shall receive no

Adopted.

HB 225, Relative to stream reclassification of certain waters of the state.

SENATOR CHANDLER: This amendment corrects a typographical error.

Amend the bill by replacing line 19 on page 2 with the following:

under RSA 541-A to govern the conduct of administrative appeals under

Adopted.

HB 220-FN, Relative to the removal of petroleum powered vehicles from surface waters of the state.

SENATOR CHANDLER: This enrolled bill amendment corrects a grammatical error.

Amend the bill by replacing line 18 on page 1 with the following:

subparagraph (a) refuse or fail to obey the order for removal, the proper

Adopted.

HB 123-FN, Relative to sunset review of public employee labor relations board.

SENATOR CHANDLER: This amendment reinserts the bill's effective date.

Amend the bill by inserting after line 12 on page 2 the following:

4 Effective Date. This act shall take effect upon its passage.

Adopted.

HB 122-FN, Relative to sunset review of board of psychologists.

SENATOR CHANDLER: This enrolled bill amendment corrects incorrect terminology.

Amend the bill by replacing line 14 on page 2 with the following:

and one certified psychologist, the doctoral level teacher of

Adopted.

HB 22, Relative to methods of hunting and possession of deer and moose and illegal night hunting.

SENATOR CHANDLER: This enrolled bill amendment corrects a typographical error and a grammatical error.

Amend the bill by replacing line 3 on page 2 with the following:

a bow and arrow, crossbow and bolt, rifle, pistol revolver, shotgun, or

Adopted.

HB 465, Relative to the protection of employees who report violations of law or refuse to execute illegal directives.

SENATOR CHANDLER: This amendment corrects a typographical error.

Amend the bill by replacing line 8 on page 1 with the following:

profit, to engage in any employment. Employee does not include an Adopted.

SB 178-FN, Permitting certain non-governmental entities to be eligible to participate in the New Hampshire retirement system.

SENATOR CHANDLER: This amendment makes a grammatical correction in section 2 of the bill.

Amend the bill by replacing line 7 on page 3 with the following:

any such officer, teacher, or employee who elects to join the New

Adopted.

### SUSPENSION OF THE RULES

Senator Dupont moved to suspend the rules to allow the committee of conference report on HB 296, received after the deadline.

HB 296, Establishing a department of securities and making an appropriation therefor.

SENATOR BARTLETT: HB 296 is the piece of legislation that we passed out of here the other day in a committee of conference, which was agreed upon by both the Senate and the House. When we sent it back to the House, they decided that they didn't like the conference. They discharged the committee of conference and requested a new committee. We've since formed a new committee and it sets up a department of securities which the Governor appoints the director or commissioner, and it's administratively attached to the insurance department. It is not under the control of the insurance department. That's the piece of legislation that you have on your desks now.

SENATOR JOHNSON: The other bill that we had, the conference report, didn't that talk about a department of insurance in securities?

SENATOR BARTLETT: What was before, Senator Johnson, was that it was part of the insurance department. It's now just administratively attached and not under the control of the insurance department.

SENATOR JOHNSON: But isn't it true that we're setting up a new department now?

SENATOR BARTLETT: In my opinion, yes.

SENATOR JOHNSON: Isn't it more a matter of fact than opinion here, Senator Bartlett:

SENATOR BARTLETT: I guess the honest way is that when you administratively attach something, technically you haven't set a new department up. What really happened is that there is a need for the security enforcement for the State of New Hampshire. Turf war is, shall it be under the insurance department, shall it be administratively attached, shall it be a separate department? It looks like it's a separate department, administratively attached to the insurance department, so it's now a new department.

SENATOR PRESSLY: Senator Bartlett, I don't recall the appropriation on the original amount. Is this figure the same?

SENATOR BARTLETT: I'd have to defer to Senator Blaisdell.

SENATOR BLAISDELL: What figure do you have, Senator Pressly?

SENATOR PRESSLY: In the analysis, it says \$679,978.

SENATOR BLAISDELL: That's with the people that are going to be in there. I think it's the 14 people that are going to be attached to this department. It will also be offset by an assessment by the securities division with about 900 and something thousand.

Adopted. (2/3rds vote)

#### COMMITTEE OF CONFERENCE REPORT ON HB 296

The committee of conference to which was referred House Bill 296-FN-A, An Act establishing a department of securities and making an appropriation therefor, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:



1 Office of Securities Regulation; Department of Insurance. Amend RSA 400-A by inserting after section 39 the following new subdivision:

Office of Securities Regulation

400-A:40 Findings; Intent. The general court finds that the selling of securities and the regulation of securities dealers need to be monitored more closely for the benefit of the citizens of New Hampshire. The general court declares that the economic well-being of the citizens of New Hampshire is best served by establishing an autonomous office, administratively attached to the department of insurance, which shall be responsible for the administration of this state's securities laws.

400-A:41 Definitions. When used in this subdivision, unless the context otherwise requires:

- I. "Agent" means "agent" as defined in RSA 421-B:2, II.
- II. "Broker-dealer" means "broker-dealer" as defined in RSA 421-B:2, III.
- III. "Director" means the director of the office of securities regulation.
- IV. "Investment adviser" means "investment adviser" as defined in RSA 421-B:2, IX.
- V. "Issuer" means "issuer" as defined in RSA 421-B:2, XIII.
- VI. "Person" means "person" as defined in RSA 421-B:2, XVI.
- VII. "Office" means the office of securities regulation.
- VIII. "Rule" means "rule" as defined in RSA 541-A:1, IV, subject to all of the requirements of RSA 541-A.
- IX. "Security" means "security" as defined in RSA 421-B:2, XX.

400-A:42 Establishment; General Functions.

I. There is established an office of securities regulation which shall be an autonomous office administratively attached, as provided in RSA 21-G:10, to the department of insurance.

II. The office of securities regulation, through its officials, shall be responsible for the following general functions:

(a) The review, in cooperation with the secretary of state, of applications for registration submitted by all persons who effect transactions in securities, including broker-dealers, agents, issuers, and investment advisors.

(b) The examination and audit of business records maintained by broker-dealers, agents, issuers, and investment advisors.

(c) The investigation, in cooperation with the attorney general, of those who effect transactions in securities, including broker-dealers, agents, issuers, and investment advisors, suspected of violations of this state's securities laws.

(d) The registration of all securities issued, offered or sold in this state, except for securities exempted under RSA 421-B:17.

400-A:43 Director of the Office of Securities Regulation; Chief Investigator; Administrators; Compensation; Terms; Appointment.

I. The governor, with the consent of the council, shall appoint the director of the office of securities regulation.

II. The director of the office of securities regulation, with the consent of the governor, shall appoint the chief investigator, the administrator of the bureau of securities filings, and the administrator of securities audits and examinations.

III. The terms of the director of the office of securities regulation, the chief investigator, the administrator of securities filings and the administrator of securities audits and examinations shall be 4 years. Such officials may succeed themselves if reappointed.

IV. All persons appointed pursuant to this section shall be qualified to hold their respective positions by reason of professional competence, education, and experience in the field of securities.

V. The salaries of all persons appointed pursuant to this section shall be as specified in RSA 94:1-a.

400-A:44 Duties of Director of the Office of Securities Regulation. In addition to the powers, duties, and functions otherwise vested by law in the director of the office of securities regulation, he shall:

I. Represent the public interest in the administration of the functions of the office of securities regulation and be responsible to the governor, the general court, and the public for such administration.

II. Have the authority to establish a unit within his office to provide for internal administrative functions, including financial, personnel, and other management functions.

III. Require broker-dealers, agents, issuers, and investment advisors to report information as to their dealings with securities in such form and upon such blanks as he may prescribe. All broker-dealers, agents, issuers, and investment advisors shall furnish the director with the information required.

IV. Summon witnesses to appear and give testimony under oath, and to produce books, records, papers, and documents relating to any securities matter which the director has authority to investigate or determine.

V. Cause depositions of witnesses residing within or without this state, or absent from the state, to be taken in like manner as depositions of witnesses are taken in civil actions in the superior court, in any matter which the director has authority to investigate or determine.

VI. Cooperate with the attorney general in civil actions and criminal proceedings, actions and prosecutions to enforce the laws relating to the liability and punishment of broker-dealers, agents, issuers, and investment advisors for failure to comply with the provisions of the laws of the state governing securities.

VII. Adopt rules, under RSA 541-A necessary to assure the continuation or granting of federal funds or other assistance intended to promote the administration of this subdivision, or RSA 421-B, not otherwise provided by law.

VIII. Collect and account for all fees, funds, and taxes levied upon any person subject to the jurisdiction of the office of securities regulation.

IX. Provide for, in consultation with the commissioner of the department of administrative services and the state treasurer, a system of accounts and reports which will ensure the integrity and lawful use of all fees, funds, and taxes collected by the office, the use of which is restricted by state or federal law.

X. Levy such administrative fines, pursuant to 421-B:26, as he believes warranted.

XI. Designate the person who shall act in his capacity in the event that he is incapacitated or unable to perform his duties. He shall designate the person to represent him on boards, commissions, committees, and professional associations.

XII. Supervise and manage all operations of the office of securities regulation and administer and enforce the laws with which he or the office is charged.

400-A:45 Office of Securities Services. There is established within the office of the director an office to be responsible for administrative services, planning, public information, registration, and licensing. This unit shall be under the supervision of an unclassified administrator of securities services who shall be responsible for the following functions in accordance with applicable law:

I. Administrative services, which shall include the following services to the office of securities regulation, to the greatest extent possible:

- (a) Accounting, purchasing, and budget control.
- (b) Personnel management.
- (c) Property, contracts, and grants management.

(d) Data processing.

(e) Compiling, indexing, and managing data collected by the bureaus and the chief investigator, which shall be used to establish a data base for use by the office of securities regulation, and which shall be a public record.

II. Planning, which shall be under the direct supervision of the director and shall include all office-level short- and long-range planning activities and the coordination and compilation of all bureau-level planning activities.

III. Public information, registration, and licensing, which shall include all initial public contact relative to the licenses which RSA 421-B:6 requires be obtained by persons who transact business in this state as a broker-dealer, agent, issuer, or investment advisor; all initial public contact relative to the registration of securities as mandated by RSA 421-B:11; furnishing members of the general public with all license and registration applications and information needed for any project which comes under the jurisdiction of the office of securities regulation, as well as information as to any federal licenses which may be required; assisting members of the general public, whenever possible, to fill out applications for securities licenses or the registration of securities by directing them to the appropriate person; and generally providing members of the general public with all of the information necessary for meeting securities license and registration requirements, including information as to where to find the relevant federal laws, rules, and regulations. The administrator of securities services shall provide for the review of all applications for securities licenses submitted by those who effect transactions in securities, including broker-dealers, agents, issuers, and investment advisors. The administrator of securities services shall then forward all license applications, and his recommendations as to the disposition of such applications, to the director for further action. The administrator of securities services shall receive all applications for the registration of securities and shall forward all such applications, without recommendation, to the administrator of securities filings.

400-A:46 Office of Investigations. There is established within the office of securities regulation, under the supervision of an unclassified chief investigator. The chief investigator may be removed only as provided by RSA 4:1. He shall be responsible, in accordance with applicable laws, for conducting investigations, in cooperation with the attorney general, of persons who effect transactions in securities, including broker-dealers, agents, issuers, and investment advisors, in order to secure compliance with securities laws.

400-A:47 Bureau of Securities Audits and Examinations. There is established within the office the bureau of securities audits and examinations, under the supervision of an unclassified administrator of securities audits and examinations who shall be responsible for the following functions, in accordance with applicable law:

I. Conducting audits of the business records of those who effect transactions in securities, including broker-dealers, agents, issuers, and investment advisors in order to determine whether such persons are in continuous compliance with the securities laws of this state, and the rules adopted by the director.

II. Conducting full examinations of those persons who may be in violation of the securities laws of this state, or the rules adopted by the director, as evidenced by audits conducted pursuant to this section.

III. Referring to the chief investigator any cases in which an audit or examination results in the discovery of evidence that the securities laws of this state, or the rules adopted by the director may have been knowingly violated through criminal activities.

IV. Recommending to the director what administrative penalty should be imposed, pursuant to RSA 421-B:26.

V. Reviewing complaints concerning alleged violations of this state's securities laws filed against those who effect transactions in securities, including broker-dealers, agents, issuers, and investment advisors.

400-A:48 Bureau of Securities Filings. There is established within the office the bureau of securities filings, under the supervision of an unclassified administrator of securities filings who shall be responsible, in accordance with applicable laws, for registering all securities issued, offered, or sold in this state, except for securities exempted under RSA 421-B:17. The registration process may involve cross reference checks with the secretary of state.

400-A:49 Delegation of Powers.

I. The director may delegate to his chief investigator, administrators, inspectors, auditors, examiners, or employees of the office the exercise or discharge in the director's name of any power, duty, or function, whether ministerial, discretionary or of whatever character, vested in or imposed upon the director. However, he shall not delegate his rulemaking powers under RSA 400-A:51.

II. The official act of any such person acting in the director's name and by his authority shall be deemed an official act of the director.



400-A:50 Staff.

I. The director may, within the limits of available funds, appoint or employ and prescribe the duties of such systems managers, administrative aides, clerical aides, securities specialists, auditors, examiners, and other employees as may be necessary to discharge the duties placed upon the office of securities regulation by RSA 400-A:40-66, and 421-B.

II. The director may from time to time contract for and procure on a fee or independent contract basis, such additional legal, investigatory, and other technical and professional services as he may deem necessary for the discharge of his duties. Pursuant to this section, the director may contract for and procure on a fee or independent contract basis such staff as the office of investigations may, from time to time, need to conduct investigations. The director may utilize any of the funds available in the investigatory fund, as provided by RSA 400-A:52, to employ additional personnel to assist the chief investigator in specific investigations. None of the individuals rendering services pursuant to this paragraph shall be in the classified service of the state; provided, however, the director may authorize, in his discretion, the payment of such benefits as are afforded to classified state employees, except participation in the New Hampshire retirement system, to such individuals who have been employed for 6 months or more.

400-A:51 Rulemaking Authority.

I. The director shall adopt such rules, pursuant to RSA 541-A, as he deems reasonable and necessary in order to carry out properly the functions and responsibilities assigned the office of securities regulation under the laws of the state. This rulemaking authority shall expire on July 1, 1989, at which time this paragraph, unless replaced by a later legislative enactment, shall be deemed repealed. Notwithstanding this paragraph, the adoption of rules for the office of investigations shall be governed by RSA 400-A:51, II.

II. In consultation with and subject to the approval of the attorney general, the director shall adopt rules, pursuant to RSA 541-A, as he deems reasonable and necessary in order for the chief investigator to carry out properly the functions and responsibilities assigned the office of investigations under the laws of the state. This rulemaking authority shall expire on July 1, 1989, at which time this paragraph, unless replaced by a later legislative enactment, shall be deemed repealed.

III. Prior to January 1, 1989, the director shall present proposed legislation containing a specific delegation of rulemaking authority to replace this section to the chairman of the joint legislative com-



mittee on administrative rules established under RSA 541-A and to the senate president and the speaker of the house of representatives, who may refer such proposed legislation to the appropriate standing committees. This proposed legislative delegation of rule-making authority shall be drafted in as narrow a manner as possible, consistent with the need to provide the director with sufficient authority to fulfill the regulatory role assigned to him under this subdivision and other laws of the state.

400-A:52 Investigatory Fund. There is established an investigatory fund. The director may utilize the investigatory fund to employ additional personnel to assist the chief investigator in specific investigations, pursuant to RSA 400-A:50, II. Any portion of the investigatory fund which is not utilized by the director pursuant to RSA 400-A:50, II, at the close of the fiscal year shall revert to the general fund.

400-A:53 Interstate Cooperation. The director and his staff shall maintain close relations with the securities commissioners of other states and shall actively participate in the activities and affairs of the North American Security Administrators Association and other organizations so far as it will, in the director's judgment, enhance the purposes of the securities laws. The actual and necessary travel and related expenses incurred by the director and members of his staff in attending meetings of said associations, their committees, subcommittees, hearings, and other official activities, as well as the general expenses of participation in such associations shall be a charge on available funds and the appropriation of the office of securities regulation.

400-A:54 Records; Inspection; Destruction.

I. Unless otherwise provided by law, all records and documents of the office of securities regulation are subject to public inspection pursuant to the right to know law, RSA 91-A. Notwithstanding the provisions of RSA 91-A, the director may determine by order that it is in the public interest to make public additional records and documents or to hold certain records and documents confidential within the office of securities regulation.

II. All records and documents of the office of securities regulation shall be subject to subpoena by a court of competent jurisdiction.

III. The director may destroy at the end of 6 years from the date of filing any records which are no longer of any value to the state. The director may destroy at an earlier date such records of the office which are readily available to the director in an unaltered form from any other state or federal agency.

400-A:55 Annual Report. On or before November 1 in each year, the director shall make a written report to the governor and council showing with respect to the preceding calendar year the receipts and expenses of the department for the year and such recommendations as he deems advisable. He shall also provide a statistical data report to the governor, council, and attorney general concerning the incidence of securities violations and other such matters.

400-A:56 Seal. The office shall have a seal which shall be like the seal of state, except the words, "Office of Securities Regulation, New Hampshire", shall be substituted for the words "Seal of the State of New Hampshire, 1776". The director shall attach the seal of the office to all certificates and other similar official papers issued by him, and no further proof shall be required to authenticate the same when they are offered in evidence.

400-A:57 Office. The director shall be provided with a suitable office.

400-A:58 Advisory Councils and Committees.

I. The director may create advisory councils and committees to assist him in dealing with regulatory problems, may appoint members and may provide by rule for the regular creation, governance, duties, and termination of any council or committee he establishes.

II. Members of advisory councils or committees shall be reimbursed for their necessary expense of travel and subsistence. Said expenses shall be a charge upon available funds and the appropriation of the office of securities regulation.

400-A:59 Orders; Notices.

I. The director shall issue, after hearing, such prohibitory and mandatory orders as are reasonably necessary to secure compliance with securities laws, rules, and regulations. Orders and notices of the director shall be effective only when in writing signed by him or by his authority. Except as otherwise expressly provided by law as to particular orders, every order of the director shall state its effective date and shall concisely state:

(a) Its intent or purpose;

(b) The grounds on which it is based; and

(c) The provisions of this subdivision or title XXXVIII pursuant to which action is taken or proposed to be taken; but failure to so designate a particular provision shall not deprive the director of the right to rely thereon.

II. Except as provided as to particular procedures, an order or notice may be given by delivery to the person to be ordered or noti-

fied, or by mailing it, prepaid, addressed to such person at his principal place of business or residence as last of record in the office of securities regulation. The order or notice shall be deemed to have been given when deposited in a depository of the United States Postal Service, and of which the affidavit of the individual who so mailed the order or notice shall be prima facie evidence.

III. If any person is entitled to a hearing by any provision of title XXXVIII before any proposed action is taken, the notice of the proposed action may be in the form of a notice to show cause stating that the proposed action may be taken unless such person shows cause at a hearing to be held as specified in the notice, why the proposed action should not be taken, and stating the basis of the proposed action.

400-A:60 Hearings.

I. The director may hold hearings for any purpose within the scope of title XXXVIII as he may deem advisable.

II. He shall hold a hearing:

(a) If required by any provision of this chapter or title XXXVIII; or

(b) Upon written application for a hearing by a person aggrieved by any act or impending act, or by any report, rule, or order of the director, other than an order for the holding of a hearing, or order on a hearing, or pursuant to such order, of which hearing such person had notice.

III. Any such application shall be filed with the director within 30 days after such person knew or reasonably should have known of such act, impending act, failure, report, rule, or order, unless a different period is provided for by other applicable law, and in which case such other law shall govern. The application shall briefly state the respects in which the applicant is so aggrieved, together with the grounds to be relied upon for the relief to be demanded at the hearing. The director may require that the application be signed and sworn to by a person competent to be a witness in civil courts.

IV. If the director finds that the application is timely, made in good faith, and that the applicant would be so aggrieved if his grounds were established, he shall hold a hearing within 30 days after the filing of the application, or within 30 days after the application has been sworn to, whichever is the later date, unless in either case the hearing is postponed by mutual consent.

V. Failure to hold the hearing upon application therefor of a person entitled to a hearing as provided in this section shall constitute a denial of the relief sought, and shall be the equivalent of a final order of the director for the purpose of an appeal under RSA 421-B:27.

VI. Pending the hearing and decision, the director may suspend or postpone the effective date of his previous action.

400-A:61 Notice of Hearing.

I. Except where a longer period is expressly provided in title XX-XVIII, the director shall give written notice of the hearing not less than 10 days in advance. The notice shall state the date, time, and place of the hearing and specify the matters to be considered at the hearing. If the persons to be given notice are not specified in the provision pursuant to which the hearing is held, the director shall give such notice to all persons whose pecuniary interest, to the director's knowledge or belief, could be directly and immediately affected by the hearing. Notice of the hearing may be waived, and the hearing held at a time mutually fixed by the director and the parties.

II. If any such hearing is to be held for consideration of rules of the director, or of other matters which, under paragraph I of this section, would otherwise require separate notices to more than 30 persons, in lieu of other notice, the director may give notice of the hearing by publication in a newspaper of general circulation in this state, at least once each week during the 2 weeks immediately preceding the week in which the hearing is to be held, except that the director shall mail such notice to all persons who have requested the same in writing in advance and have paid to the director the reasonable amount fixed by him to cover the cost of the notice. All such notices, other than published notices, shall be given as provided in RSA 400-A:59.

400-A:62 Conduct of Hearing.

I. The director may hold a hearing in Concord or any other place of convenience to parties and witnesses, as the director determines. The director or his designee shall preside at the hearing, and shall expedite the hearing and all procedures connected with it.

II. Any party to the hearing may appear in person or by counsel, be present during the giving of all evidence, have a reasonable opportunity to inspect all documentary and other evidence and examine and cross-examine witnesses, present evidence in support of his interest, and have subpoenas issued by the director to compel attendance of witnesses and production of evidence in his behalf. Testimony may be taken orally or by deposition, and any party may introduce evidence by interrogatories or deposition as may obtain in the superior court.

III. Upon good cause shown, the director shall permit to become a party to the hearing by intervention, if timely, such persons, not



original parties to the hearing, whose interests may be affected by the director's order made after the hearing.

IV. Formal rules of pleading or of evidence need not be observed at any hearing.

V. The hearing shall be public, unless the director or hearing officer determines that a private hearing would be in the public interest, in which case and only with the consent of all parties to the hearing, the hearing shall be private.

VI. The director or his hearing officer may cause a complete record to be made of the hearing proceedings by a competent reporter or by electronic recording, and, if transcribed, such record shall be made a part of the director's record of hearing. In the event of an appeal from any order of the director issued pursuant to title XXXVIII or this subdivision, if a record of the proceedings is available, a transcript shall be made, and expenses of transcription shall be paid by the party making the appeal at the rate charged for transcripts of proceedings in the superior court at the time the appeal is made. Nothing in this subdivision shall prohibit any party to a hearing held pursuant to title XXXVIII or this chapter from receiving at any time, upon request and upon payment of expenses, a transcript of the hearing, if a record was made.

VII. The validity of any hearing held in accordance with the notice thereof, or waiver of notice, shall not be affected by the failure of any person to attend or remain in attendance.

#### 400-A:63 Witnesses and Documentary Evidence.

I. As to the subject of any examination, investigation or hearing being conducted by him, the director may subpoena witnesses and administer oaths or affirmations and examine any individual under oath, or take depositions; and by subpoena duces tecum may require the production of documentary and other evidence. Any delegation by the director of power of subpoena shall be in writing.

II. Every person subpoenaed to appear at any such hearing, examination, or investigation shall obey the subpoena, testify truthfully, conduct himself with decorum, and in no way obstruct the proceeding or purpose of the proceeding.

III. Witnesses shall be entitled to the same fees and allowances as witnesses in the superior court; except that no agent, broker, or other person subject to this subdivision or title XXXVIII who is a subject of such proceeding, and no officer, director, or employee of any of the foregoing, shall be entitled to witness or mileage fees. No person shall be excused from attending and testifying in obedience to a subpoena on the ground that the proper witness fee was not tendered or paid, unless the witness shall have demanded such pay-

ment as a condition precedent to attending the hearing, examination, or investigation and unless such demand shall not have been complied with.

IV. Any individual knowingly testifying falsely under oath or making a false affirmation, as to any matter material to any such examination, investigation or hearing, shall upon conviction be guilty of perjury.

#### 400-A:64 Witnesses; Disciplinary Proceedings.

I. If any individual without reasonable cause fails to appear when summoned as a witness, or refuses to answer a lawful and pertinent question, or refuses to produce documentary evidence when directed to do so by the director or deports himself in a disrespectful or disorderly manner at the inquiry, or obstructs the proceedings by any means, whether or not in the presence of the director or his designee, he is guilty of contempt and may be dealt with as provided in paragraph II of this section.

II. The director or his designee, as the case may be, may file a complaint in the superior court, setting forth under oath the facts constituting the contempt and requesting an order returnable in not less than 2 nor more than 5 days, directing the alleged contemner to show cause before the court, why he should not be punished for contempt. Upon the return of such order, the court shall examine the alleged contemner under oath, and the alleged contemner shall have an opportunity to be heard. If the court determines that the respondent has committed any alleged contempt, the court shall punish the offender as if the contempt had occurred in an action arising in or pending in such court; provided, however, the contemner shall have a period of 10 days from the determination of the superior court within which to purge himself of contempt and thereby avoid the sanctions imposed.

#### 400-A:65 Witnesses; Immunity from Prosecution.

I. If any individual asks to be excused from attending or testifying or from producing any books, papers, records, contracts, correspondence, or other documents in connection with any examination, hearing, or investigation being conducted by the director on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture, and shall by the director be directed to give such testimony or produce such evidence, he must nonetheless comply with such direction, but he shall not thereafter be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may have so testified or produced evidence, and no testi-



mony so given or evidence produced shall be received against him upon any criminal action, investigation, or proceeding; except, however, that no such individual so testifying shall be exempt from prosecution or punishment for any perjury committed by him in such testimony, and the testimony or evidence so given or produced shall be admissible against him upon any criminal action, investigation, or proceeding concerning perjury; provided further that no witness shall be compelled to testify where such testimony would create a reasonable possibility of penalty or sanction by a court, agency, or other body of competent jurisdiction, which penalty or sanction has not as of the hearing date (or the date of any appeal therefrom) been banned by operation of law or waived as to the witness.

II. Any such individual may execute, acknowledge and file in the office of the director a statement expressly waiving such immunity or privilege in respect to any transaction, matter or thing specified in such statement, and thereupon the testimony of such individual or such evidence in relation to such transaction, matter or thing may be received or produced before any judge or justice, court, tribunal, grand jury, or otherwise, and if so received or produced, such individual shall not be entitled to any immunity or privileges on account of any testimony he may so give or evidence so produced.

#### 400-A:66 Order on Hearing.

I. In the conduct of hearings under this subdivision and title XXXVIII and making his order on them, the director shall act in a quasi-judicial capacity.

II. Within 90 days after termination of a hearing, or of any rehearing thereof or reargument thereon, or within such other period as may be specified in title XXXVIII as to particular proceedings, the director shall make his order on hearing covering matters involved in such hearing, and give a copy of the order to each party to the hearing in the same manner as notice of the hearing was given to such party.

(a) The order shall contain:

(1) A concise statement of facts found by the director upon the evidence adduced at the hearing.

(2) A concise statement of the director's conclusions from the facts so found;

(3) His order, and the effective date thereof; and

(4) Citation of the provisions of this subdivision or title XXXVIII upon which the order is based; but failure to so designate a particular provision shall not deprive the director of the right thereafter to rely upon such provision.

(b) The order may affirm, modify, or rescind action theretofore taken at an earlier time or may constitute taking of new action within the scope of the notice of hearing.

2 Change from Commissioner and Commissioner of Insurance to Director of the Office of Securities Regulation. Amend RSA 421-B by replacing commissioner, insurance commissioner, and commissioner of insurance with director of the office of securities regulation.

3 Change from Department and Department of Insurance to Office of Securities Regulation. Amend RSA 421-B by replacing department, insurance department, and department of insurance with office of securities regulation.

4 Administrative Penalty. Amend RSA 421-B:26 to read as follows:

421-B:26 Administrative Penalty.

I. Any person who knowingly violates any rule or order of the [commissioner] director may, upon hearing, except where another penalty is expressly provided, be subject to such suspension or revocation of any registration or license, or administrative fine not to exceed \$2,500 in lieu of or in addition to such suspension or revocation as may be applicable under this title for violation of the provision to which such rule or order relates.

II. Any person who negligently violates any rule or order of the director may, upon hearing, except where another penalty is expressly provided, be subject to such suspension, revocation, or denial of any registration or license, including the forfeiture of any application fee, or administrative fine not to exceed \$1,500 in lieu of or in addition to such suspension or revocation as may be applicable under this title for violation of the provision to which such rule or order relates.

5 Investigations. Amend RSA 400-A:16, I, to read as follows:

400-A:16 Investigations, Enforcement.

I. The commissioner may conduct such investigations in addition to those specifically provided for as he may find necessary in order to promote the efficient administration of the provisions of this title and [Title XXXVIII] RSA 421-A.

6 Staff. Amend RSA 400-A:10, I, to read as follows:

I. The commissioner may, within the limits of available funds, appoint or employ and prescribe the duties of such assistants, actuaries, examiners, clerks, and other employees as may be necessary to

discharge the duties placed upon the insurance department by RSA [Titles] Title XXXVII and [XXXVIII] RSA 421-A.

7 Publications. Amend RSA 400-A:27, I to read as follows:

I. The commissioner may have the annual report, examination reports, directory of authorized insurers, directory of licensed insurance representatives, license examination material, insurance laws, related laws and regulations, and other publications relating to insurance [and securities] prepared under his administration, published in pamphlet form from time to time and may affix a reasonable price to each copy to cover the price of printing, handling, and postage.

8 Interstate Cooperation. Amend RSA 400-A:28 to read as follows:

400-A:28 Interstate Cooperation. The commissioner and his staff shall maintain close relations with the commissioners of other states and shall actively participate in the activities and affairs of the National Association of Insurance Commissioners[, North American Security Administrators Association,] and other organizations so far as it will, in his judgment, enhance the purposes of the insurance [and securities] laws. The actual and necessary travel and related expenses incurred by the commissioner and members of his staff in attending meetings of said associations, their committees, subcommittees, hearings, and other official activities, as well as the general expenses of participation in such associations shall be a charge on available funds and the appropriation of the insurance department.

9 Initial Terms. Notwithstanding RSA 400-A:43, III, the initial terms of the director of the office of securities regulation and the administrator of securities audits and examinations shall terminate on March 31, 1990. The initial terms of the chief investigator, the administrator of securities filings, and the administrator of securities services, shall terminate on March 31, 1992.

10 Salaries. Amend RSA 94:1-a, I, Group O, by inserting the following:

Chief investigator, office of securities regulation.

Director of the office of securities regulation.

Administrator of the office of securities services, office of securities regulation.

Administrator of the bureau of securities filings, office of securities regulation.

Administrator of the bureau of securities audits and examinations, office of securities regulation.

11 Repeals. RSA 400-A:6, IV, and V, relative to duties of the assistant to the commissioner for securities, are repealed.

12 Appropriation. The sum of \$679,978 is hereby appropriated to the office of securities regulation, for each of the fiscal years ending June 30, 1988, and June 30, 1989, for the purposes of this act. Of each such sum, \$100,000 shall be used solely for the investigatory fund as provided in RSA 400-A:52. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

13 Fraudulent, Deceptive or Manipulative Practices. Amend RSA 421-A:8 by inserting after paragraph II the following new paragraph:

III. No offeror shall exercise the voting power of shares acquired after the filing of a registration statement (or without the filing of a registration statement when a registration statement is required) until the issuance of an order of the commissioner pursuant to RSA 421-A:6.

14 Definitions; Takeover Bid. Amend the introductory paragraph of RSA 421-A:2, VI to read as follows:

VI. "Takeover bid" means the acquisition of, offer to acquire, or request of invitation for tenders of an equity security of a corporation organized under the laws of this state or having its principal place of business within this state or having its principal executive office within this state or which is the parent of a subsidiary incorporated under New Hampshire law, if after acquisition thereof the offeror would, directly or indirectly, be a record or beneficial owner of more than 5 percent of any class of the issued and outstanding equity securities of such corporation.

15 Definitions; Target Company. RSA 421-A:2, VII is repealed and reenacted to read as follows:

VII. "Target company" means a corporation whose securities are or are to be the subject of a takeover bid and which, directly or through subsidiaries, has assets in this state of at least \$1,000,000 and:

(a) More than 10 percent of its shareholders resident in New Hampshire; or

(b) More than 10 percent of its shares owned by New Hampshire residents; or

(c) More than 100 shareholders resident in New Hampshire.

16 New Section; Reconciliation with Other Laws. Amend RSA 421-A by inserting after section 16 the following new section:

421-A:17 Reconciliation with Other Laws. If any provision of this chapter otherwise applicable to a takeover bid for a target company organized under the law of another jurisdiction is inconsistent with a provision of a statute regulating takeovers of such other jurisdiction such that either (a) compliance with the provision of such other law would be impossible or (b) the provision of this chapter would impose greater restrictions on the offeror, the target company, or shareholders of the target company with respect to such takeover bid, then such provision of this chapter shall be inapplicable to such takeover bid; provided, further, that the foregoing provisions of this paragraph shall be inapplicable in the case of any provision of a statute of another jurisdiction if such provision of such statute, or such statute as a whole, has been held or declared unconstitutional under the United States Constitution or otherwise illegal or invalid by the highest court of such other jurisdiction or by a United States federal court having jurisdiction, which holding or declaration has not been reversed on reconsideration or appeal.

17 Expense of Examinations. Amend RSA 421-B:9, VII to read as follows:

VII. The broker-dealer or other person examined pursuant to this section shall bear the expense of the examination. Such expense shall be limited to a reasonable per diem allowance for compensation and expenses as determined by the [commissioner] director. [Provided, however, that if upon examination of any person specified in subparagraph II(a) of this section the commissioner shall determine that such person is not in violation of the provisions of this chapter or applicable rules, the expense of the examination shall be borne by the department.]

18 Fees. Amend RSA 421-B:31, I(g) to read as follows:

(g) Registration fee for securities offered in this state [one-tenth] 2/10 of one percent of the offering value of the issue provided said fee shall not be more than \$1,050.

19 Authority to Conform Laws. The director of legislative services is hereby authorized, with the approval of the speaker of the house and the president of the senate, to make changes in the printed version of all laws and rules, and all legislation enacted by the 1987



session of the general court that may be necessary for the purpose of conforming the language of such laws, rules or legislation to the language of this act, provided that no substantive changes may thereby be made. Such authority shall expire upon the printing of the 1987 session laws.

20 Program Appropriation Unit Created. There is hereby created a program appropriation unit for the office of securities regulation.

21 Effective Date. This act shall take effect upon its passage.

*Conferees on the Part  
of the Senate*

Sen. Delahunty, Dist. 22

Sen. Blaisdell, Dist. 10

Sen. Dupont, Dist. 4

*Conferees on the Part  
of the House*

Rep. Fraser, Merr. 6

Rep. Buckley, Hills. 42

Rep. Packard, Hills. 15

Rep. McCain, Rock. 11

SENATOR DUPONT: It is true, what you have in front of you, is the committee of conference report that basically does set up an independent department of securities. In the committee of conference report that was previous adopted it was going to be part of the insurance department and as it's presently in front of you, its only relationship with insurance is that it's administratively attached, which means that the director will adopt his own rules. The director will be appointed by the Governor and the only linkage that he'll have with the department is through the budgetary process. So this is a commitment to resolve the problem that we have with securities in the State of New Hampshire. However, it is indeed somewhat different than what we previously voted on in this body.

SENATOR NELSON: Senator, just a clarification. I just heard you say Senator, that the commissioner can make his rules. Are you talking under rule making authority under 541:A?

SENATOR DUPONT: The director of the department of securities will make rules. In an unattached, administratively attached agency, the commissioner would have the final rule making authority. We have given the securities independence away from insurance.

SENATOR NELSON: Does this department have rule making authority under 541?

SENATOR DUPONT: Yes, they do.



SENATOR CHANDLER: Senator Dupont, what problems does the State of New Hampshire have now with securities dealers? I question the need of regulation. I'm not aware of any great problems that we're having with security dealers now.

SENATOR DUPONT: Senator, there's been a number of cases and when you talk about securities, you're not just talking about the major issuance that public corporations do, but you're also talking about cases such as long time investment group where a number of New Hampshire people lost a significant sums of monies. Basically what we're talking about on this bill is providing some protection for the consumers of the State of New Hampshire and their investments.

SENATOR CHANDLER: In other words, because of one or two bad apples we're going to submit all the legitimate dealers to rules and regulations that really aren't necessary.

SENATOR DUPONT: Senator, there's been more than one or two. There's been several, and I might even say several dozens, of bad offerings within the State of New Hampshire.

SENATOR PRESSLY: I rise in support of this bill. When testimony was given before the committee, this was the ultimate hope of the committee. What the Senate passed earlier was really intended to be an interim situation. I commend the committee of conference and both chambers for having taken it the proper further step and I strongly support this legislation. It is in the interest of the consumer and the public and the State of New Hampshire.

Senator Dupont moved to adopt the committee report.

Adopted.

### SUSPENSION OF THE RULES

Senator St. Jean moved to suspend the rules to allow the committee of conference report on HB 127, received after the deadline.

HB 127-FN, Relative to sunset review of the board of veterinary examiners and relative to preliminary hearings.

Adopted (2/3rds vote)

### COMMITTEE OF CONFERENCE REPORT ON HB 127

The committee of conference to which was referred House Bill 127-FN, An Act relative to sunset review of the board of veterinary

examiners and relative to preliminary hearings, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 4 with the following:

4 Vacancy on Board. Amend RSA 332-B:3, II to read as follows:

II. When a vacancy has occurred, or is due to occur in a veterinary position on the board, the New Hampshire Veterinary Medical Association shall nominate 3 qualified persons and forward the nominations to the governor. The governor may make appointments from those nominated by the association, but shall not be required to appoint one of those so nominated.

*Conferees on the Part  
of the Senate*

Sen. St. Jean, Dist. 20  
Sen. Podles, Dist. 16  
Sen. Preston, Dist. 23

*Conferees on the Part  
of the House*

Rep. McCain, Rock. 11  
Rep. King, Graf. 6  
Rep. Wright, Rock. 23  
Rep. Ford, Hills. 24

Senator St. Jean moved to adopt the committee report.

Adopted.

## SUSPENSION OF THE RULES

Senator Dupont moved to suspend the rules to allow the committee of conference report on HB 440, received after the deadline.

Adopted. (2/3rds vote)

## COMMITTEE OF CONFERENCE REPORT ON HB 440

The committee of conference to which was referred House Bill 440, An Act relative to intrastate motor carriers, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 2 with the following:

2 New Subparagraph; Exemption from Rulemaking Process. Amend RSA 541-A:10, I(l) to read as follows:

(l) RSA 284:12, IV, relative to the sale of pari-mutual pools as authorized under RSA 284:22[.];

(m) RSA 237:5, II; 237:9; 237:17; 237:24, I; 237:34; and 237:40, relative to the establishment of toll rates for turnpikes.

3 Delete Reference to Rulemaking. Amend RSA 237:5, II(n) to read as follows:

(n) Adopt rules, under RSA 541-A after public hearing, concerning the operation of the turnpike system. [These rules shall include toll rates for use of the turnpike system.]

4 Delete Reference to Rulemaking. Amend RSA 237:9 to read as follows:

237:9 Tolls. The commissioner of transportation, with the approval of the governor and council, shall [adopt rules under RSA 541-A establishing] establish toll rates and other charges for use of the New Hampshire turnpike system or any part of the right-of-way and other property acquired in connection therewith. The governor and council shall approve or reject the commissioner's proposed [rules establishing] toll rates and other charges within 90 days of receiving them. The tolls collected shall be deposited with the state treasurer who shall keep the same in a separate account for the New Hampshire turnpike system and the operating expenses and maintenance costs of the system shall be paid from said account. From the balance remaining after payment of operating expenses and maintenance costs, there shall be paid the interest and principal on the bonds issued to finance the system. Fourteen days previous to the time any such interest or principal is payable, the state treasurer shall examine the existing balance and, except as otherwise provided in RSA 237:10, if such balance is insufficient to make the payment, then he shall notify the governor who shall immediately draw his warrant on the highway fund to cover any deficit and if the funds in both of the above accounts are insufficient, the governor shall draw his warrant upon the state's general fund to the amount necessary to meet the payments. Any funds paid out from the state's highway fund or general fund for the above purposes shall be reimbursed from the collection of tolls as soon as such funds are available. Any funds that have been or may be expended for any portion of the system by the department of transportation shall be repaid to said

department when, in the opinion of the governor and council, sufficient funds are available. Any excess income may be used for further system extensions in accordance with RSA 237:5, II(m). No provision of this chapter shall constitute a covenant with bondholders with respect to the charging, collection or disposition of tolls.

5 Delete Reference to Rulemaking. Amend RSA 237:17(o) to read as follows:

(o) Adopt rules, under RSA 541-A after public hearing, concerning the operation of the eastern New Hampshire turnpike. [These rules shall include toll rates for use of the turnpike system.]

6 Delete Reference to Rulemaking. Amend RSA 237:24, I to read as follows:

I. The commissioner of transportation, with the approval of the governor and council, shall [adopt rules under RSA 541-A establishing] establish toll rates and other charges for use of the eastern New Hampshire turnpike or any part of the right-of-way and other property acquired in connection therewith. The governor and council shall approve or reject the commissioner's proposed [rules establishing] toll rates and other charges within 90 days of receiving them. The tolls collected shall be deposited with the state treasurer who shall keep the same in a separate account, and the operating expenses and maintenance of the turnpike shall be paid from said account. From the balance remaining after payment of operation and maintenance, the governor, with the approval of the council, shall pay the interest and principal on the bonds issued hereunder. Fourteen days previous to the time said interest or principal is payable, the state treasurer shall examine the existing balance and if such balance is insufficient to make the payment, then he shall notify the governor who shall immediately draw his warrant on the highway fund to cover any deficit, and, if the funds in both of the above accounts are insufficient, the governor shall draw his warrant upon the state's general fund to the amount necessary to meet the payments. The full faith and credit of the state is pledged to the payment of the principal of and the interest on the bonds as they become due and payable. Any funds paid out from the state's general fund for the above purposes shall be reimbursed from the collection of tolls as soon as such funds are available. Any funds that have been or may be expended for the completion of the turnpike by the department of transportation shall be repaid to said department when, in the opinion of the governor and council, sufficient funds are available. Any excess income may be used for further toll road extensions in accordance with RSA 237:17(m). During the construction of the turnpike

the governor may, if necessary, draw his warrant upon the highway fund to pay interest due on any bonds that have been issued in accordance with the provisions of this subdivision; such payment is to be repaid to the highway fund from the collection of tolls.

7 Delete Reference to Rulemaking. Amend RSA 237:34(n) to read as follows:

(n) Adopt rules, under RSA 541-A after public hearing, concerning the operation of the central New Hampshire turnpike. [These rules shall include toll rates for use of the turnpike system.]

8 Delete Reference to Rulemaking. Amend RSA 237:40 to read as follows:

237:40 Tolls. The commissioner of transportation, with the approval of the governor and council, shall [adopt rules under RSA 541-A establishing] establish toll rates and other charges for use of the central New Hampshire turnpike or any part of the right-of-way and other property acquired in connection therewith. The governor and council shall approve or reject the commissioner's proposed [rules establishing] toll rates and other charges within 90 days of receiving them. The tolls collected shall be deposited with the state treasurer who shall keep the same in a separate account, and the operating expenses and maintenance of the turnpike shall be paid from said account. From the balance remaining after payment of operation and maintenance, the governor, with the approval of the council, shall pay the interest and principal on the bonds hereunder. Fourteen days previous to the time said interest and principal are payable, the state treasurer shall examine the existing balance and if such balance is insufficient to make the payment, then he shall notify the governor who shall immediately draw his warrant on the highway fund to cover any deficit, and, if the funds in both of the above accounts are insufficient, the governor shall draw his warrant upon the state's general fund to the amount necessary to meet the payments. The full faith and credit of the state is pledged to the payment of the principal of and the interest on the bonds as they become due and payable. Any funds paid out from the state's general fund for the above purposes shall be reimbursed from the collection of tolls as soon as such funds are available. Any funds that have been or may be expended for the completion of the turnpike by the department of transportation shall be repaid to said department when, in the opinion of the governor and council, sufficient funds are available. Any excess income may be used for further turnpike extensions in accordance with RSA 237:34(m). During the construction of the



turnpike the governor may, if necessary, draw his warrant upon the highway fund to pay interest due on any bonds that have been issued in accordance with the provisions of this subdivision; such payment is to be repaid to the highway fund from the collection of tolls.

9 Trust or Security Agreement or Resolution. Amend RSA 237-A:3 to read as follows:

237-A:3 Trust or Security Agreement or Resolution. Any bonds issued under this chapter may be secured by a resolution or by a trust or security agreement between the state and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state, or by a trust or security agreement directly between the state and the purchasers of the bonds, and such resolution or trust or security agreement shall be in such form and executed in such manner as may be determined by the treasurer, with the approval of the governor and council. Such trust or security agreement or resolution may pledge or assign, in whole or in part, the revenues held or to be received by the state from or on account of the turnpike system in any contract or other rights to receive the same, whether then existing or thereafter coming into existence and whether then held or thereafter acquired by the state, and any proceeds thereof. Such trust or security agreement or resolution may contain such provisions for protecting and enforcing the rights, security and remedies of the bondholders as may, in the discretion of the treasurer, be reasonable and proper and not in violation of law. Without limiting the generality of the foregoing, such agreement or resolution may include provisions defining defaults and providing for remedies in the event thereof (which may include the acceleration of maturities), and covenants setting forth the duties of, and limitations on, the state in relation to the custody, safeguarding, investment and application of moneys, the issue of additional or refunding bonds, the fixing, revision and collection of tolls, charges and other revenues, the use of any surplus bond proceeds, the establishment of reserves, the construction and operation of any turnpike, any contracts relating thereto and subsequent amendments of such provisions and contracts. In accordance with such trust or security agreement or resolution, the commissioner of transportation, with the approval of the governor and council, shall establish toll rates and other charges for use of the turnpike system or any part of the right-of-way and any other property acquired in connection therewith. It shall be lawful for any bank or trust company to act as a depository or trustee of the proceeds of bonds, revenues or other moneys under a trust or security agreement or



resolution and to furnish such indemnification or to pledge such securities and issue such letters or lines of credit or other credit facilities as may be required by the state acting under this chapter. Any such trust or security agreement or resolution may set forth the rights and remedies of bondholders and of the trustee and may restrict the individual right of action by bondholders.

10 Access to Highway. The department of transportation shall grant one point of access, 50 feet wide, to Route 111 in the town of Derry from the parcel of land described in Rockingham county registry of deeds, Book 1847, Page 430, now or formerly owned by Minnie Collins and R.S. Grieco.

11 Effective Date.

I. Sections 1-9 of this act shall take effect January 1, 1988.

II. Section 10 of this act shall take effect upon its passage.

*Conferees on the Part  
of the Senate*

Sen. Dupont, Dist. 6

Sen. Johnson, Dist. 17

Sen. Preston, Dist. 23

*Conferees on the Part  
of the House*

Rep. Malcolm, Rock. 17

Rep. Flanders, Rock. 10

Rep. Knight, Merr. 14

Rep. Thurston, Belk. 9

Senator Dupont moved to adopt the committee report.

Adopted.

SENATOR PRESTON: (Rule 44) To live up to my reputation as the choir boy of the Senate, as the Dean calls me, I just want to chastise for a couple of minutes, if I may, some Senate action that was taken a few minutes ago. Just a few minutes ago, the Majority Leader and myself stood before the Senate and read a resolution commending Senator Bartlett for his fairness and his leadership. We even referred to members of the Senate as independent thinkers, keen competitors, and negotiators and compromisers for the benefit of those we intend to serve from our districts and from the entire State, to serve those who have elected us in the entire State of New Hampshire. I was very impressed and proud to stand side by side with my colleague and unanimously endorse that resolution. Just a few moments ago, we refused to address the question of AIDS and its threat to the public health of the citizens of New Hampshire. We refused to address what has been termed as a plague. We refused to address AIDS, which has been determined to be the scourge of the century, according to public health officials. We refused because

some of us didn't get our way. We said the hell with everybody. This isn't the Senate version of the bill; it's not the Governor's; the Senate President's or the Speaker's bill, so if we don't get our way, nobody gets nothing, folks! I think that's disgraceful. AIDS has been determined to be the public health challenge of our time. And we did nothing. I think that's disgraceful. Why the corner office saw fit to send one of its faithful down to corral a few extra votes to make sure this didn't pass is a further disgrace in the corner office. With all due respect to the Majority Leader of the Senate, whom I consider a friend, but I think you called it wrong on this one by calling in the votes. You did no one a favor. \$20 million for land trust, I've said ten times, and not much for other things, but zero for AIDS because we didn't get our way. Fifty percent of the teenagers in the State, according to a recent study, don't really understand how AIDS is contracted, but the Senate, with 12 votes, said we don't care. Maybe next session, if we get what we want, we'll provide for some information on this program. As a democrat, as a Senator from the seacoast, I think our inaction is almost criminal. I watched people recoil to the concerns of an insurance commissioner on the bill that he had problems with this morning. We have negotiated for endless hours, hundreds of committees of conference bills, to arrive at a compromise. When it came to the budget we were off by 20 million and compromised to reach some definition of what we thought was fair. But our inaction to do nothing on AIDS, I think it's our most disgraceful action of this session for those who it might affect. I urge any Senator that has the power within his vote today, that voted no, to consider, to consider reconsideration because you have that power in your hands, those two or three of you that could exercise your conscience to act on this issue now and, in lack of a gutsy response such as that, I would just like to publicly demand from John Sununu, who's out of the State today, or the members of the fiscal committee, which the Senate now shares equal membership on, that you do something or shame on you and shame on you for not reconsidering and not taking action. I at least urge you to do something in an interim session to address the major problem.

#### ENROLLED BILLS AMENDMENTS

SB 180-FN-A, Relative to restoring the original state house and making an appropriation therefor and relative to the legislative office building and making an appropriation therefor.

SENATOR CHANDLER: This amendment corrects a punctuation error in the bill.

Amend lines 14 and 15 on page 3 of the bill by replacing them with the following:

specifications and drawings;

(d) A management plan; and

Adopted.

SB 106, Relative to the department of safety.

SENATOR CHANDLER: This EBA corrects a technical error in section 1 of the bill and deletes a contingency section made unnecessary by the enactment of HB 526.

Amend the bill by replacing lines 3-5 on page 1 with the following:

(a) Power to serve criminal and habitual offender process, make arrests, and enforce all criminal laws and motor vehicle laws and rules of the state.

Amend the bill by deleting section 7 and renumbering section 8 to read as 7.

Adopted.

SB 10-A, Permitting state participation in a Clean Water Act State Revolving Loan Fund.

SENATOR CHANDLER: This EBA corrects the title of the bill.

Amend the title of the bill by replacing it with the following:

#### AN ACT

permitting state participation in a Clean Water Act state  
revolving loan fund and making an appropriation  
therefor and making an appropriation to the  
Conway village fire district for its  
sewage treatment system.

Adopted.

SB 12, Relative to the operation of motors on Clarksville Pond, and the town of Clarksville, the posting of Clarksville Pond, and the reinstatement of the propagation license issued to the Balsams Corporation for Lake Gloriette.

SENATOR CHANDLER: This amendment renumbers an RSA section to avoid duplicating the numbering of other new RSA sections

already inserted by HB 306 and HB 420. The amendment also inserts a contingency authorizing the director of legislative services to make technical numbering corrections as necessary, depending on which bills inserting new sections into RSA 486 become law.

Amend the bill by replacing lines 2-3 on page 1 with the following:

section 31 the following new section:

486:32 Clarksville Pond. No person shall operate any boat equipped

Amend the bill by replacing section 4 with the following:

4 Contingency; Renumbering. If either HB 306, "An Act limiting the horsepower of boat motors on Marchs Pond and Chalk Pond in the town of New Durham and prohibiting the use of jet skis on said ponds and on Pine River pond in the town of Wakefield" or HB 420, "An Act restricting power boats on Hermit Lake in the town of Sanborton and requiring the division of safety services to make a study and hold a hearing relative to boating on Lake Pemigewasset in the towns of New Hampton and Merideth," or both, do not become law, RSA 486:32 as inserted by section 1 of this act shall be renumbered to read as RSA 486:29 or 486:31, as the case may be. If any other act of the 1987 regular session of the general court containing amendments to RSA 486 which insert any new sections into the chapter become law, the director of legislative services is authorized to make any technical changes to the numbering in any bill sections or RSA sections inserted by such act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives.

5 Effective Date. This act shall take effect upon its passage.

Adopted.

## ENROLLED BILLS REPORT

SB 148, Relative to procedures for distribution of certain federal funds allocated in the state.

HB 19, Relative to the election laws.

HB 91, Establishing state liquor stores in the towns of Londonderry and Belmont and making an appropriation therefor.

HB 124, Relative to sunset review of the real estate commission.

HB 126, Relative to sunset review of the commission on the status of women and making certain changes relative to the commission.

HB 177, Relative to sunset review of veterinary/medical/optometric education program.

HB 224, Establishing a study committee to ascertain the feasibility of establishing restaurants along the turnpike system where permissible.

HB 326 Establishing homemaker services for certain persons and making an appropriation therefor.

HB 367, Establishing a study committee to examine the cooperative extension service.

HB 420, Restricting power boats on Hermit Lake in the town of Sanbornton and requiring the division of safety services to make a study and hold a hearing relative to boating on Lake Pemigewasset in the towns of New Hampton and Meredith.

HB 45, Relative to maternity and infancy.

HB 103, Relative to sunset review of the office of legislative services-administrative procedures division and amending the administrative procedure act.

HB 105, Relative to sunset review of the secretary of state-legislative services.

HB 348, Relative to the superintendent of the Anna Philbrook Center and making an appropriation therefor.

HB 357, Relative to respite care in area agencies and making an appropriation therefor.

HB 435, Creating a committee to study head injuries in New Hampshire and relative to health care for the indigent.

SB 40, Relative to catastrophic aid.

SB 153, Relative to planning for the long-range electrical energy requirements of the state.

SB 175, Providing allowance increases to retired members and beneficiaries of the New Hampshire retirement system and predecessor systems.

SB 233, Relative to capital budget requests for airports in the state.

HB 190, Relative to district court venue in landlord and tenant actions.

HB 382, Relative to boating law enforcement.

HB 608, Relative to pooled risk management programs.

HB 700, Permitting group II members who reach age 65 to make an election for retirement benefits.

HB 722, Relative to small loans.

SB 51, Relative to airboats, mufflers, and decibel levels of boats.

SB 64, Legalizing all votes pertaining to bond or note issues taken at the New London-Springfield water system precinct meeting of March 18, 1986, and relative to the legalization and ratification of actions taken at certain town meetings and relative to the Winchester school district election held March 19, 1987.

SB 107, Relative to the New Hampshire state airport system plan and making an appropriation therefor.

SB 6, Establishing a joint study committee of the house and senate relative to additional staff and equipment for the division of air resources.

SB 62, Relative to counting absentee ballots in cities and towns which use voting machines.

SB 176, Changing financial disclosure requirements.

HB 136, Relative to sunset review of public utilities commission - gas - pipeline carriers.

SB 161, Relative to state annuity benefits for group II members of the New Hampshire retirement system and making an appropriation therefor.



SB 139, Relative to election law dates.

SB 174, Establishing a committee to study retirement system benefits.

SB 183, Relative to coverage for mental or nervous conditions.

HB 159, Relative to sunset review of the board of education - driver education.

HB 201, Relative to the use of the New Hampshire hospital buildings and relative to the disposal of state-owned property.

Adopted.

### HOUSE MESSAGE

#### HOUSE ADOPTS COMMITTEE OF CONFERENCE REPORTS

HB 100, Making appropriations for capital improvements.

HB 200, Making appropriations for capital improvements.

HB 300, Making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1988 and June 30, 1989.

HB 296, Establishing a department of securities and making an appropriation therefor.

HB 440, Relative to intrastate motor carriers.

HB 127, Relative to sunset review of the board of veterinary examiners and relative to preliminary hearings.

### HOUSE SUSPENDS JOINT RULES

#### INTRODUCTION OF HOUSE BILL

#### REQUESTS CONCURRENCE

HB 729, An act redefining references to the United States Internal Revenue Code for purposes of the Business Profits Tax.

### SUSPENSION OF JOINT RULES

Senator Bartlett moved to suspend the joint rules to allow introduction of HB 729.

Adopted. (2/3rds vote required)

Senator Bartlett moved the rules be suspended to dispense with the reference to committee, holding of a hearing and notice of committee report and put on second reading at present time.

Adopted.

HB 729, An act redefining references to the United States Internal Revenue Code for purposes of the business profits tax. Ought to Pass. Senator Dupont for the Committee.

SENATOR KRASKER: I wonder if you could explain exactly what the bill does. I'm assuming that what has been added is in the darker type and I'd like you to explain what it does.

SENATOR BARTLETT: HB 729 is exactly what HB 361 is. It puts us in compliance with the United States Revenue Code. The Senate attached the trigger mechanism of business profits tax. The House in its wisdom killed the whole bill and then they decided that they should have gone to a committee of conference.

So, what it does, the first part puts us in compliance with the federal code and the second part picks up a couple of positions that the DIS forgot about.

SENATOR MCLANE: Senator Bartlett, on page 2 at the bottom of the page, there's a definition of a partnership for any other business organization requiring to file their return of income. The amount of ordinary income would be determinable under the provisions of the United States Internal Revenue Code as defined by RSA 77:A:1XX. Is that the same law that is now in effect for the definition of income?

SENATOR BARTLETT: Senator McLane, you obviously know that I don't know the answer, but my reply to you is that if legislative services had done the work that they had supposed to, we added as it appears in bold italics on page 3, line 16, and I believe the rest of it is the same. If they did their homework it should be there.

SENATOR MCLANE: Senator Bartlett, would you believe that that is exactly the answer that I hoped you would give and I'm very satisfied with your answer.

SENATOR NELSON: Senator Bartlett, just having heard your remarks, I only do this in terms of information gathering. On page 3, I was interested in the change that they made on lines 16 and 17. What does that actually do?

SENATOR BARTLETT: It is the recommendation of the Department of Revenue Administration to bring them into compliance.

SENATOR NELSON: I just wonder if I understand you correctly, and that is, that the words in black here are what the State Department of Revenue wants to add to this bill?

SENATOR BARTLETT: It is.

SENATOR NELSON: On line 17, what is the Federal nonrecognition? I will go on record and apologize for that question and I will look elsewhere for that answer.

SENATOR PRESSLY: Senator Bartlett, I just want to make sure that I heard you correctly. The analysis, on the front page, is the analysis of the version that we have before us now. Did I understand you to say that the trigger mechanism, regarding the business profit tax, that was part of the Senate version of this bill is no longer in this. That this is only having to do with the United States Internal Revenue Code?

SENATOR BARTLETT: Senator Pressly, it's my understanding that this is 361 as it came over to the Senate, before any amendment.

SENATOR PRESSLY: So, there's no reference to the business profit tax?

SENATOR BARTLETT: No, there's no reference to the business profit tax. I'm sorry it isn't in here.

SENATOR HOUNSELL: Senator Bartlett, understanding the lateness of the session, I weighed asking this question, but I think it's very important because it looks like a red flag in front of my eyes and I'm looking on page 4 and seeing positions, administrative services. Are we looking at the new positions that were in the original House version or were these positions the ones included in the budget? What are those positions?

SENATOR BARTLETT: Senator Hounsell, they're the positions that are in the budget. They are funded in the budget, but when they put all the numbers together going down through, the pay raises and everything else, there were two numbers in here that were omitted. When legislative budget looked through they found out that these two numbers, there were four personnel in there and two were left out and what we've done is continued those positions already occupied and already funded until June 30, 1988, to allow the department of administrative services to bring in correct legislation.

SENATOR HOUNSELL: It further goes on to say that these positions shall be reviewed. Is that something that's in the works?

SENATOR BARTLETT: You may remember that we passed three hundred and some odd thousand dollars which were all unclassified positions and salaries and this was part of them.

SENATOR HOUNSELL: So, this is no big surprise?

SENATOR BARTLETT: It was a big surprise to me that they left it out and then finally realized it at the end of the session that they had two people working over there that didn't have a position to remain there. But they were already funded in the budget.

SENATOR HOUNSELL: If I was of the mind that I wanted to have a trigger mechanism for the business profits tax, would this bill be an appropriate one to prepare a floor amendment on?

SENATOR BARTLETT: If I was of the mind that you wanted a trigger mechanism for business profit tax I would suggest you wait to file legislation tomorrow.

Adopted.

Senator Dupont moved that the bill be put on third reading and final passage at the present time.

Adopted.

### Third Reading and Final Passage

HB 729, An act redefining references to the United States Internal Revenue Code for purposes of the business profits tax.

Adopted.

SENATOR HOUNSELL: (Rule 44) Very briefly, because I know everyone wants to go home, including myself, I would like to be recognized to personally thank our clerk, Bill White, for the fine job that he's done leading his staff and this Senate through this session. I think that for us to neglect to say that specifically, would be to not acknowledge the work of a good friend. I do thank him for his work. I thank him for his work on the establishing of a rule, the rules that helped us to get to this point, and I think that it has to be noted that without his hard work, as well as everyone else, but specifically in this case, without his hard work we would not have gotten out of here by the June 1st deadline. So, Bill, thank you very much and have a good summer.

## ANNOUNCEMENTS

## RESOLUTION

Senator Dupont moved that all bills left in committee, laying on the table or not acted on by this body in any other manner shall be by this resolution made inexpedient to legislate.

Adopted.

HB 349-FN-A, Relative to special education and certified programs for children and youth in out-of-home placements.

HB 318-FN-A, Determining financial liability for certain educationally handicapped children under the supervision of the division for children and youth services and making an appropriation therefor.

HB 189-FN, Eliminating certain restrictions on bank branching.

SB 14-FN, Relative to apportioning costs of cooperative school districts.

SB 36-FN-A, Establishing a state liquor store in the town of Belmont and making an appropriation therefor.

SB 206-FN, Providing for special number plates for organizations serving persons with walking disabilities.

SB 68 Allowing 18 year olds to register to vote at high schools.

HB 289-A, Relative to criminal records and making an appropriation therefor.

SB 84, Restricting the use of double trailers in cities and towns of the state.

HB 626-FN, Relative to medication specialists.

HB 65, Restricting power boats on Lake Wicwas in the town of Meredith.

HB 112, Relative to sunset review of the board of chiropractic examiners.

HB 434, Relative to the public employee labor relations board.

HB 704, Relative to the safety of facilities gathering, transmitting and distributing petroleum gas.

Senator Dupont moved that the business of the day being completed, the Senate recess to the Call of the Chair for the sole purpose of House Messages and Enrolled Bills Reports.

Adopted.

Recess.

Out of Recess.

*Wednesday, May 20, 1987*

Senator Blaisdell in the Chair.

#### ENROLLED BILLS AMENDMENTS

HB 167-FN, Relative to sunset review of the department of postsecondary vocational-technical education.

SENATOR CHANDLER: This amendment corrects the title of the bill to reflect the committee of conference report. The bill also corrects a typographical error in section 3 of the bill.

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to sunset review of the department of postsecondary  
vocational-technical education and relative to  
election in the town of Winchester.

Amend the bill by replacing line 5 on page 2 with the following:

senate education committee, the speaker of the house, the president  
of the

Adopted.

HB 104-FN, Relative to sunset review of the office of state planning, and consolidating the functions of the office of state planning in a new RSA chapter.

SENATOR CHANDLER: This amendment corrects 4 typographical errors and updates a contingency provision.

Amend the bill by replacing line 18 on page 14 with the following:



in the development of local water resources management and protection plans

Amend the bill by replacing lines 13-16 on page 20 with the following:

14 Application of 1987, 76:1. 1987, 76:1, establishing a program of regional and municipal assistance within the office of state planning, shall not take effect.

15 Nuclear Waste Technical Review Council. RSA 125-G;6, II is

Amend the bill by replacing lines 22 and 23 on page 20 with the following:

I. Section 9 of this act shall take effect July 1, 1987.

II. The remainder of the act shall take effect upon its passage.

Adopted.

HB 143, Relative to sunset review of the department of fish and game - law enforcement.

SENATOR CHANDLER: This EBA corrects a typographical error in the bill.

Amend the bill by replacing line 10 on page 2 with the following:

of facilities and personnel within the department. The committee shall

Adopted.

HB 144-FN, Relative to sunset review of the department of resources and economic development - bureau of off-highway recreational vehicles.

SENATOR CHANDLER: This amendment corrects several technical errors, and changes the effective date of a section to take effect after the amendment enacted by HB 600, An Act relative to OHRV fees.

Amend sections 14 and 15 of the bill by replacing them with the following:

14 Repeal. The following are repealed:

I. RSA 188-F:23, I-a, relative to membership of certain bureau of off-highway recreational vehicles employees in group II of the retirement system.

II. RSA 188-F:27, VIII, relative to training requirements of bureau of off-highway recreational vehicles officers serving as forest and park patrol officers.

III. RSA 100-A:1, VII-d, relative to membership of certain bureau of off-highway recreational vehicles employees in group II of the retirement system.

15 Effective Date.

I. Section 7 of this act shall take effect July 12, 1987, at 12:01 a.m.

II. Sections 13 and 14 of this act shall take effect July 1, 1989.

III. The remainder of this act shall take effect upon its passage.

Adopted.

HB 152-FN, Relative to sunset review of the board of education-administration and support, establishing a program for administrator excellence, and relative to catastrophic aid.

SENATOR CHANDLER: This amendment corrects the title of the bill, and also corrects 2 typographical errors in the bill.

Amend the title of the bill by replacing it with the following:

AN ACT

relative to sunset review of the board of education - administration  
and support, establishing a program for administrator  
excellence, relative to catastrophic aid and  
making a supplemental appropriation for  
financial aids to districts-state.

Amend the bill by replacing line 19 on page 5 with the following:

are not used for such emergency assistance purposes, the funds  
shall be used

Amend the bill by replacing section 8 with the following:

8 Effective Date. This act shall take effect upon its passage.

Adopted.

HB 156-FN, Relative to sunset review of the nurses registration board.

SENATOR CHANDLER: This amendment corrects a reference to the division of public health services in section 1 of the bill, corrects a grammatical error in RSA 326-B:4-a as inserted by section 4 of the bill, and corrects a typographical error in section 9 of the bill.

Amend the bill by replacing line 3 on page 1 with the following:

public health services, department of health and human services.  
The agency or

Amend the bill by replacing line 7 on page 3 with the following:

RSA 326-B and are not in conflict with other statutes, pursuant to  
RSA

Amend the bill by replacing line 11 on page 5 with the following:

year 1980, and received a minimum passing score of 400.  
Adopted.

HB 168-FN, Relative to sunset review of joint board of engineers,  
architects and land surveyors, and relative to exemption from regu-  
lation of the design, construction and alteration of certain small  
structures.

SENATOR CHANDLER: This amendment corrects the amending  
language in section 2 of the bill.

Amend the bill by replacing line 6 on page 1 with the following:

II and III to read as follows:

Adopted.

HB 321-FN-A, Creating the Connecticut River Valley resource com-  
mission and making an appropriation therefor.

SENATOR CHANDLER: This amendment renumbers statutory  
section in sections 1 of the bill.

Amend the bill by replacing lines 14 and 15 on page 5 with the fol-  
lowing:

criteria adopted under RSA 227-E:8, I.

227-E:7 Private Donations. In addition to the authority granted in

Amend the bill by replacing line 18 on page 5 with the following:

227-E:8 Rulemaking. The commission shall adopt rules, after pub-  
lic

Amend the bill by replacing line 4 on page 6 with the following:

227-E:9 Reports; Committee Recommendations.

Amend the bill by replacing line 14 on page 6 with the following:

227-E:10 Staff. There shall be the equivalent of one full-time staff

Adopted.

HB 345-FN-A, Relative to salaries of probate judges and the sessions of probate courts and making an appropriation therefor.

SENATOR CHANDLER: This amendment renumbers an RSA section which would duplicate the number of an RSA section which would be inserted, if HB 651 of the 1987 regular session becomes law. The amendment also corrects a citation and typographical errors.

Amend the bill by replacing line 14 on page 1 with the following:

the following new section:

Amend the bill by replacing line 16 on page 1 with the following:

pursuant to RSA 491-A:4, IV shall not be permitted to engage in the

Amend the bill by replacing line 3 on page 2 with the following:

court. Full-time judges designated pursuant to RSA 491-A:4, IV shall

Amend the bill by replacing lines 7 and 8 on page 2 with the following:

after section 3 the following new section:

491-A:4 Probate Judges; Salaries.

Amend the bill by replacing line 3 on page 4 with the following:

547:22-a Transitional Adjustment. Notwithstanding RSA 491-A:4, judges

Amend the bill by replacing line 9 on page 4 with the following:

of the weighted caseload compensation schedule set forth in RSA 491-A:4,

Amend the bill by replacing line 13 on page 4 with the following:

pursuant to RSA 491-A:4.

Amend the bill by replacing line 21 on page 4 with the following:

said attorney is stockholder. Full-time probate judges under RSA 547:2-a

Amend the bill by replacing line 4 on page 5 with the following:

entered] shall have the power to make any decree or order which could have been

Amend the bill by replacing line 20 on page 5 with the following:

county, who shall act during such absence or inability. Such judge who is

Amend the bill by replacing line 1 on page 7 with the following:

be included by the administrative office of the courts in its request for

Amend the bill by replacing section 16 with the following:

16 Contingent Provision. If HB 651, an act relative to compensation of district court justices and special justices, of the 1987 regular session of the general court does not become law, the director of legislative services is authorized to make any technical changes to the numbering in any bill sections, RSA sections, or references to RSA sections inserted by this act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon the printing of the 1987 session laws.

17 Effective Date. This act shall take effect upon its passage.

Adopted.

HB 370-FN-A, Relative to employment opportunity.

SENATOR CHANDLER: This bill corrects an inaccurate section heading.

Amend the bill by replacing line 5 on page 2 with the following:

3 Standard of Need; To Consist of 2 Components. Amend RSA  
Adopted.

HB 479, Relative to a foster parent ombudsman council.

SENATOR CHANDLER: This amendment corrects the title of the bill.

Amend the bill by replacing the title with the following:

AN ACT

relative to a foster parents ombudsman council  
and relative to condominium conversions.

Adopted.

HB 562-FN, Relative to fireworks.

SENATOR CHANDLER: This amendment corrects a grammatical error and inserts an RSA provision into RSA 160-A. The provision was inserted by HB 454, An Act relative to proof of exceptions, in RSA 160 which is repealed by this bill.

Amend the bill by replacing line 6 on page 4 with the following:

sale, possession, use, and distribution of fireworks for such display

Amend RSA 160-A as inserted by section 4 of the bill by inserting after section 5 the following new section:

160-A:6 Exceptions and Exemptions Not Required to be Negated.  
In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of this chapter, it shall not be necessary to negate any exception, excuse, proviso, or exemption contained herein, and the burden of proof of any such exception, excuse, proviso or exemption shall be upon the defendant.

Adopted.

HB 586-FN, Relative to mooring of boatings on certain lakes in New Hampshire.

SENATOR CHANDLER: This EBA corrects 2 incorrect cross-references and technical errors in the effective date section of the bill.

Amend the bill by replacing line 17 on page 9 with the following:

the criteria established pursuant to RSA 270:71; and



Amend the bill by replacing line 23 on page 9 with the following:  
this section.

Amend the bill by replacing lines 17-18 on page 13 with the following:

I. RSA 270:59-60; 270:64; 270:66, I(b), (d), and (f), II, III, and IV; 270:67, I(a) and II(a); 270:69; 270:71; and 270:72, I as

Amend the bill by replacing line 22 on page 13 with the following:  
270:67, I(b), (c), and (d); II(b), (c) and (d); 270:68; 270:70; and

Adopted.

HB 693-FN, Relative to determining membership in the New Hampshire retirement system..

SENATOR CHANDLER: This amendment corrects a grammatical error.

Amend the bill by replacing line 8 on page 2 with the following:

by a county correctional facility, who as a job requirement have satisfied

Adopted.

SB 1-A, Establishing the New Hampshire land conservation investment program and making an appropriation therefor.

SENATOR CHANDLER: This EBA renumbers certain paragraphs of a section to place them in correct numerical order.

Amend the bill by replacing line 1 on page 4 with the following:

IV. Six voting members shall constitute a quorum. Decision shall

Amend the bill by replacing line 7 on page 4 with the following:

V. Board members shall not be subject to civil liability for acts

Adopted.

SB 70, Amending article 8 of the uniform commercial code.

SENATOR CHANDLER: This amendment inserts an omitted line of text and corrects several typographical errors.

Amend line 23 on page 7 of the bill by replacing it with the following:

registered, even if the security is subject to a registered pledge. The rights of a registered pledgee of an uncertificated

Amend line 4 on page 17 of the bill by replacing it with the following:

of his time in the business of buying and selling securities, who in the

Amend line 5 on page 30 of the bill by replacing it with the following:

so held except in the circumstances specified in paragraphs (c), (d)(i),

Adopted.

HB 294-FN-A, Exempting the sale of a manufactured housing park to a tenants' association from the real estate transfer tax and requiring a manufactured housing park owner to give notice to a tenants' association before selling the park.

SENATOR CHANDLER: This amendment corrects the title of the bill and corrects a grammatical error in section 2 of the bill.

Amend the title of the bill by replacing it with the following:

### AN ACT

requiring a manufactured housing park owner to give notice  
to a tenants' association before selling the park.

Amend the bill by replacing line 10 on page 2 with the following:

requested, to each tenant at his abode. A receipt from the United States ,

Adopted.

HB 228, Legalizing certain town and district meetings and relative to an increase in the salaries of the Conway police commissioners.

SENATOR CHANDLER: This bill renumbers 2 sections of the bill so that the numbering of the sections is in consecutive order.

Amend the bill by replacing line 13 on page 2 with the following:

7 Town of Rollinsford. All votes, proceedings, and actions of the

Amend the bill by replacing line 16 on page 2 with the following:

8 Effective Date. This act shall take effect upon its passage.

Adopted.

HB 142-FN, Relative to sunset review of the fish and game department - administration and support and the fish and game department - law enforcement.

SENATOR CHANDLER: This amendment corrects the title of the bill and corrects a typographical error.

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to sunset review of the fish and game  
department - administration and support.

Amend the bill by replacing line 4 on page 2 with the following:

I. The executive director of the fish and game department shall, not later than

Adopted.

HB 133-FN, Relative to sunset review of state liquor commission - merchandising and relative to the state liquor commission.

SENATOR CHANDLER: This amendment corrects a reference in the bill.

Amend the bill by replacing line 8 on page 22 with the following:

III. 1983, 388:8, I as amended by 1985, 67:2 relative to licenses to

Adopted.

SB 83, Relative to distributing political campaign literature at polling places on election day.

SENATOR CHANDLER: This EBA corrects a typographical error.

Amend the bill by replacing line 13 on page 1 with the following:

extending a distance from the entrance door of the building as determined

Adopted.

SB 130-FN-A, Relative to the trust fund for the prevention of child abuse and neglect, and making an appropriation therefor.

SENATOR CHANDLER: This amendment corrects citations in sections 4 and 11 of the bill.

Amend the bill by replacing line 14 on page 2 with the following:

child abuse trust fund board for programs as defined in RSA 169-C:39-b, V,

Amend the bill by replacing line 14 on page 5 with the following:

biennium ending June 30, 1989, to the board established in RSA 169-C:39-d,

Adopted.

#### ENROLLED BILLS REPORT

HB 276, Relative to the rate of the real estate transfer tax.

SB 86, Relative to a memorial for Governor Sherman Adams and making an appropriation therefor.

SB 69, Enacting the uniform limited partnership act.

SB 75, Authorizing the study of the feasibility of reconstructing U.S. Route 1 from the Massachusetts line to Portsmouth, New Hampshire, to increase capacity and safety, and making an appropriation therefor.

HB 22, Relative to methods of hunting and possession of deer and moose and illegal night hunting.

HB 107, Relative to sunset review of the department of revenue administration-community services.

HB 122, Relative to sunset review of board of psychologists.

HB 123, Relative to sunset review of public employee labor relations board.

HB 220, Relative to the removal of petroleum powered vehicles from surface waters of the state.

HB 225, Relative to stream reclassification of certain waters of the state.

HB 264, Relative to the composition of the court accreditation commission.

HB 288, Establishing an office of victim/witness assistance and making an appropriation therefor.

HB 364, Establishing an air toxics control program within the division of air resources, department of environmental services, and making an appropriation therefor.

HB 540, Relative to bingo and lucky 7 licenses.

HB 623, Relative to the practice of physical therapy.

HB 629, Relative to the administration and investments of the New Hampshire retirement system.

HB 661, Establishing a postsecondary vocational-technical education study committee.

HB 703, Relative to the board of auctioneers.

HB 706, Increasing the per diem allowance for county delegation meetings.

HB 723, Relative to licensing nondepository first mortgage bankers and brokers and relative to second mortgage home loans.

SB 232, Relative to regulations of off-premises delivery of barbering and cosmetology services.

SB 10, Permitting state participation in a Clean Water Act state revolving loan fund and making an appropriation therefor and making an appropriation to the Conway village fire district for its sewage treatment system.

SB 27, Relative to the commemorative rifle or shotgun lottery and the penalty for throwing refuse in and around public waters.

SB 41, Establishing a task force to study unclassified state employee residency requirements.

SB 76, Relative to records management and archives.

SB 106, Relative to the department of safety.

SB 125, Increasing an appropriation for coastal projects.

SB 134, To commission a study of an environmental risk insurance fund and making an appropriation therefor.

SB 178, Permitting certain non-governmental entities to be eligible to participate in the New Hampshire retirement system.

SB 180, Relative to restoring the original state house and making an appropriation therefor and relative to the legislative office building and making an appropriation therefor.

SB 231, Relative to manufactured housing zoning.

HB 145, Relative to sunset review of New Hampshire port authority.

HB 167, Relative to sunset review of the department of postsecondary vocational-technical education and relative to election in the town of Winchester.

HB 465, Relative to the protection of employees who report violations of law or refuse to execute illegal directives.

HB 554, To revise municipal tax sale practices and relative to adding 2 public members to the current use advisory board.

Adopted.

Recess

Out of Recess

## ENROLLED BILLS REPORTS

HB 83, Relative to the Cornish-Windsor bridge and making an appropriation therefor.

HB 104, Relative to sunset review of the office of state planning and consolidating the functions of the office of state planning in a new RSA chapter.

HB 127, Relative to sunset review of the board of veterinary examiners and relative to preliminary hearings.

HB 133, Relative to sunset review of state liquor commission - merchandising and relative to the state liquor commission.

HB 143, Relative to sunset review of the department of fish and game - law enforcement.



HB 144, Relative to sunset review of the department of resources and economic development - bureau of off-highway recreational vehicles.

HB 152, Relative to sunset review of the board of education - administration and support, establishing a program for administrator excellence, relative to catastrophic aid and making a supplemental appropriation for financial aids to districts-state.

HB 156, Relative to sunset review of the nurses registration board.

HB 168, Relative to sunset review of joint board of engineers, architects and land surveyors, and relative to exemption from regulation of the design, construction and alteration of certain small structures.

HB 171, Relative to sunset review of the New England interstate water pollution control commission.

HB 294, Requiring a manufactured housing park owner to give notice to a tenants' association before selling the park.

HB 321, Creating the Connecticut River Valley resource commission and making an appropriation therefor.

HB 345, Relative to salaries to probate judges and the sessions of probate courts and making an appropriation therefor.

HB 370, Relative to employment opportunity

HB 479, Relative to a foster parents ombudsman council and relative to condominium conversions.

HB 562, Relative to fireworks.

HB 586, Relative to mooring of boats on certain lakes in New Hampshire.

HB 693, Relative to determining membership in the New Hampshire retirement system.

SB 1, Establishing the New Hampshire land conservation investment program and making an appropriation therefor.

SB 70, Amending article 8 of the uniform commercial code.

SB 83, Relative to distributing political campaign literature at polling places on election day.

SB 130, Relative to trust fund for the prevention of child abuse and neglect, and making an appropriation therefor.

SB 211, Relative to a license fee for clean-up of gasoline and oil underground storage tank leaks and spills and creating a study committee.

HB 727, Relative to the right-to-know law.

### ENROLLED BILLS AMENDMENTS

SB 90, Relative to amusement parks.

SENATOR CHANDLER: This amendment corrects references to the director of safety services to refer to the commissioner of safety to conform with HB 526, and corrects a typographical error.

Amend the bill by replacing lines 4 and 5 on page 2 with the following:

carnival equipment or an amusement device shall provide to the commissioner:

(a) A certificate of insurance showing the operator as a named

Amend the bill by replacing lines 11 and 12 on page 2 with the following:

the commissioner pursuant to RSA 321-A:2. The report shall be prepared by an inspector who is acceptable to the commissioner.

Amend the bill by replacing line 16 on page 2 with the following:

equipment or an amusement device shall provide to the commissioner, on a form

Amend the bill by replacing lines 24 and 25 on page 2 with the following:

the commissioner pursuant to RSA 321-A:2. The report shall be prepared by an inspector who is acceptable to the commissioner.

Adopted.

SB 34, Relative to the advisory budget control committee and the fiscal committee.

Senator Chandler: This amendment corrects the title of the bill.

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the advisory budget control committee and the  
fiscal committee, the legislative budget assistant,  
and legislative audit and oversight.

Adopted.

HB 108-FN, Relative to sunset review of the department of revenue administration - revenue collection, and relative to certain functions of the department of revenue administration.

SENATOR CHANDLER: This EBA corrects a paragraph reference in section 7 of the bill and adds a contingency to prevent section 5 of the bill from taking effect if HB 363 becomes law.

Amend the bill by replacing line 1 on page 3 with the following:

7 New Paragraph; Additional Exception. Amend RSA 21-J:14, V(d) by

Amend the bill by inserting before section 10 the following:

9 Contingency. If HB 363, An Act relative to estimated tax filing requirements under the bank, franchise, and interest and dividends taxes, and creating a division of automated information systems in the department of revenue administration, becomes law, section 5 of this act shall not take effect.

Adopted.

HB 100-A, Making appropriations for capital improvements.

SENATOR CHANDLER: This amendment corrects 2 references and corrects a technical error.

Amend the bill by replacing line 2 on page 4 with the following:

state funds in the appropriation made by 1983, 423:1, VIII as amended by

Amend the bill by replacing lines 9 and 10 on page 4 with the following:

I. 1969, 505:1, III(f) and 1972, 62:5 as amended by 1985, 400:5, III(a), Manchester airport-land acquisition and obstruction removal.

Adopted.

HB 446, Relative to the registration of partnerships and corporations.

SENATOR CHANDLER: This enrolled bill amendment corrects typographical errors.

Amend the bill by replacing line 19 on page 2 with the following:

(a) A statement [has been] shall be filed with the commissioner

Amend the bill by replacing line 20 on page 5 with the following:

V. A certificate is amended or cancelled when there is filed for

Adopted.

HB 641, Relative to various motor vehicle laws.

SENATOR CHANDLER: This enrolled bill amendment corrects the title of the bill and corrects several technical and typographical errors.

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to various motor vehicle laws  
and to seeing eye dogs.

Amend the bill by replacing line 25 on page 5 with the following:

units equipped with fifth wheel mechanisms, [nor] to full trailers  
being driven

Amend the bill by replacing line 5 on page 8 with the following:

commissioner of safety may adopt rules under RSA 541-A to alter  
this weight

Amend the bill by replacing line 10 on page 12 with the following:

hearing impaired or blind or visually impaired person not using a  
guide dog

Amend the bill by replacing line 19 on page 13 with the following:

walking disabilities as provided under RSA 261:88. The study committee

Amend the bill by replacing line 3 on page 14 with the following:

shall issue decals as provided under RSA 261:88, I upon request of persons

Adopted.

HB 692-FN, Establishing an involuntary treatment task force.

SENATOR CHANDLER: This amendment corrects the title of the bill.

Amend the title of the bill by replacing it with the following:

AN ACT

establishing an involuntary treatment task force  
and allowing the commissioner of health  
and human services to transfer  
certain appropriations.

Adopted.

HB 725-FN, Relative to the attorney general and relative to the chief medical examiner.

SENATOR CHANDLER: This EBA corrects the title of the bill. It also corrects an error in the amending language and 2 typographical errors, and inserts a contingency provision.

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the attorney general, the chief medical  
examiner, and indigent defendants.

Amend the bill by replacing lines 8 and 9 on page 2 with the following:

4 Transportation and Construction Bureau. Amend the section heading and paragraph I of RSA 21-M:12 to read as follows:

Amend the bill by replacing line 12 on page 2 with the following:

of [eminent domain] transportation and construction. The bureau shall

Amend the bill by replacing line 25 on page 2 with the following:

provisions of this chapter. The commissioner of agriculture may adopt

Amend the bill by replacing section 18 with the following:

18 Contingency. The amendment to RSA 7:20, as inserted by section 1 of HB 474-FN, shall not take effect.

19 Effective. Date.

I. Section 1-11 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect July 1, 1987.

Adopted.

SB 94, Providing the legislative budget assistant with access to certain records.

SENATOR CHANDLER: This EBA corrects a cross-reference and establishes contingencies depending upon whether or not, either or both SB 34 and HB 108-FN become law. The contingencies relate only to internal cross-references and the numbering of the paragraphs being amended and inserted.

Amend the bill by replacing line 12 on page 1 with the following:

except for work papers as described in RSA 91-A:4, V. In such situations

Amend the bill by replacing section 4 with the following:

4 Contingency; SB 34 and HB 108-FN. If SB 34, An Act relative to the advisory budget control committee and the fiscal committee, the legislative budget assistant, and legislative audit and oversight, and HB 108-FN, An Act relative to sunset review of the department of revenue administration - revenue collection, and relative to certain functions of the department of revenue administration, become law sections 1-3 of this act shall not take effect and the following provisions shall take effect:

I. Amend RSA 14:31, IV to read as follows:

IV. All state departments, boards, institutions, commissions, and agencies shall be required to furnish to the legislative budget assistant any information, including confidential information, he may request in the course of carrying out his duties as prescribed by this section, RSA 14:31-a, and RSA 14:31-b, except that access to confidential information maintained by the department of revenue admin-



istration shall be controlled solely by the provisions of RSA 21-J:14. If the legislative budget assistant requires access to confidential information, the state entity shall furnish the information, except for work papers as described in RSA 91-A:4, V. In such situations, the legislative budget assistant shall be subject to the same restrictions and penalties regarding disclosure of the information as the original custodian of the information. The work product of the legislative budget assistant shall also be confidential to the extent required to preserve confidentiality required by law. Disclosure of confidential information to the legislative budget assistant shall be only for the purpose of, and to the extent necessary for, conducting audits as are required by law. The legislative budget assistant shall notify the head of any state department, board, institution, commission, or agency before requiring the state entity to furnish any confidential information which was obtained by the entity through an exchange of information agreement with another state or the federal government. This paragraph shall not be construed to authorize disclosure to any member of the legislature or to any expert consultants, including certified public accountants and data processing experts, hired by the legislative budget assistant to assist him in the carrying out of his duties, except such summaries and results which do not disclose any identity required by law to be confidential. If any state entity objects to providing confidential information under the provisions of this paragraph, the state entity may apply to the attorney general for disapproval of the request. The attorney general may examine any confidential information to which the legislative budget assistant has requested access to determine whether or not it is necessary for the legislative budget assistant to examine the information to carry out his duties as required by law. If the attorney general finds that such examination is not necessary, he shall disapprove the request, and the agency shall not be required to provide such information. If the state entity agrees to provide the requested information, or if the attorney general determines that it is necessary for the legislative budget assistant to examine the requested information, such information shall be provided to the legislative budget assistant in a mutually agreeable and compatible format.

II. RSA 21-J:14, V(d)(4) is repealed and reenacted to read as follows:

(4) the legislative budget assistant in the performance of his duties under RSA 14:31-a, I and II only, provided that disclosure of department records, files, returns, or information to the legislative budget assistant shall be only for the purpose of, and to the extent necessary for, conducting audits of the department's accounts and records as are required by law as provided in section 6103 (d) (2) (A) and (B)

of the Internal Revenue Code of 1954, as amended. This exception shall not be construed to authorize disclosure to any member of the legislature or to any expert consultants, including certified public accountants and data processing experts, hired by the legislative budget assistant to assist him in the carrying out of his duties.

III. Amend RSA 21-J:14 by inserting after paragraph VIII the following new paragraph:

IX. Persons who make unauthorized disclosures of confidential and privileged information disclosed under the exceptions contained in paragraph V and unauthorized persons who make any unauthorized disclosures of confidential and privileged information in violation of this section shall be subject to the penalties provided in paragraph VIII.

5 Contingency; SB 34.

I. If HB 108-FN does not become law, but SB 34 does become law, then sections 1 and 2 of this act shall not take effect, section 3 and paragraphs I of section 4 of this act shall take effect, paragraphs II and III of section 4 of this act shall not take effect, and paragraph II of this section shall take effect.

II. RSA 21-J:14, IV(d)(4) is repealed and reenacted to read as follows:

(4) the legislative budget assistant in the performance of his duties under RSA 14:31-a, I and II only, provided that disclosure of department records, files, returns, or information to the legislative budget assistant shall be only for the purpose of, and to the extent necessary for, conducting audits of the department's accounts and records as are required by law as provided in section 6103 (d) (2) (A) and (B) of the Internal Revenue Code of 1954, as amended. This exception shall not be construed to authorize disclosure to any member of the legislature or to any expert consultants, including certified public accountants and data processing experts, hired by the legislative budget assistant to assist him in the carrying out of his duties.

6 Contingency; HB 108-FN.

I. If SB 34 does not become law, but HB 108-FN does become law, then section 1 of this act shall take effect, sections 2, 3, and paragraphs I and II of section 4 shall not take effect, and paragraph III of section 4 and paragraph II of this section take effect.

II. RSA 21-J:14, V(d)(4) is repealed and reenacted to read as follows:

(4) the legislative budget assistant in the performance of his duties under RSA 14:31, I and II only, provided that disclosure of department records, files, returns, or information to the legislative budget

assistant shall be only for the purpose of, and to the extent necessary for, conducting audits of the department's accounts and records as are required by law as provided in section 6103 (d) (2) (A) and (B) of the Internal Revenue Code of 1954, as amended. This exception shall not be construed to authorize disclosure to any member of the legislature or to any expert consultants, including certified public accountants and data processing experts, hired by the legislative budget assistant to assist him in the carrying out of his duties.

7 Effective Date. This act shall take effect 90 days after its passage.

Adopted.

HB 695-FN, Relative to committal orders for persons found not guilty by reason of insanity.

Senator Chandler: This amendment corrects the title of this bill and corrects the title of HB 692-FN which is referred to in section 3 of the bill.

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to committal orders for persons found not guilty  
by reason of insanity and relative to the task  
force on involuntary treatment.

Amend the bill by replacing line 2 on page 3 with the following:

involuntary treatment task force and allowing the commissioner of health and human services to transfer certain authority becomes law, section 2 of this act shall

Adopted.

SB 229-FN, Relative to health clubs.

SENATOR CHANDLER: This enrolled bill amendment deletes a paragraph which refers to a subparagraph, the substance of which was deleted in an amendment.

Amend section 4 of the bill by replacing it with the following:

4 New Paragraph; Contract Requirements. Amend RSA 358-I:3 by inserting after paragraph V the following new paragraph:

VI. Each club shall provide the attorney general with a copy of its membership contract.

Adopted.

SB 219-FN-A, Relative to a state operated multiple DWI offender intervention detention center and making an appropriation therefor and relative to driving after revocation or suspension.

SENATOR CHANDLER: This enrolled bill amendment corrects a typographical error.

Amend the bill by replacing line 24 on page 3 with the following:

the definition of "suspension" in RSA 259:107, the phrase "period of

Adopted.

SB 200-FN, Permitting group II members who reach age 60 and age 65 to make an election for retirement benefits.

SENATOR CHANDLER: This amendment nullifies another bill, the contents of which are incorporated in this bill.

Amend the bill by inserting after section 2 the following new section and renumbering the original section 3 to read as 4:

3 HB 700-FN Not to Take Effect. HB 700-FN, An Act permitting group II members who reach age 65 to make an election for retirement benefits, shall not take effect.

Adopted.

HB 729, Redefining references to the United State Internal Revenue Code for purposes of the business profits tax.

SENATOR CHANDLER: This enrolled bill amendment corrects the title of the bill.

Amend the title of the bill by replacing it with the following:

#### AN ACT

Redefining references to the United States  
Internal Revenue Code for purposes  
of the business profits tax and  
temporarily continuing 2  
unclassified positions.

Adopted.

HB 300-A, Making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1988 and June 30, 1989.

SENATOR CHANDLER: This EBA corrects various data entry errors in section 1 of the bill.

"See attached printout" (in permanent journal)

Adopted.

HB 440, Relative to intrastate motor carriers.

SENATOR CHANDLER: This amendment corrects 3 typographical errors in the bill.

Amend the bill by replacing lines 24 and 25 on page 3 with the following:

hereunder. Fourteen days previous to the time said interest and principal are payable, the state treasurer shall examine the existing balance and if

Amend the bill by replacing line 19 on page 6 with the following:

state from or on account of the turnpike system and any contract or other

Adopted.

HB 355-FN-A, Relative to the assumption of local probation functions by the state and making an appropriation therefor; determining financial liability for certain educationally handicapped children under the supervision of the division for children and youth services and making an

appropriation therefor; relative to special education and certified programs for children and youth in out-of-home placements; and relative to foster family homes and making an appropriation therefor and establishing a committee on foster families.

SENATOR CHANDLER: This amendment corrects a citation and a typographical error. The amendment also corrects certain references to conform with the current law.

Amend the bill by replacing line 2 on page 1 with the following:

504-A:11 Adult Probation Officers; Assignment and Removal. Probation

Amend the bill by replacing lines 6 and 7 on page 3 with the following:

youth who are at risk of placement with the division in connection with child abuse or neglect.

Amend the bill by replacing line 19 on page 5 with the following:

9 Delinquent Children; Term of Conditional Release. RSA 169-B:19, I, (d) is

Amend the bill by replacing line 2 on page 17 with the following:

pursuant to RSA 170-G:4, XVIII, shall be payable by the division [of] for

Amend the bill by replacing line 2 on page 18 with the following:

pursuant to RSA 170-G:4, XVIII, shall be payable by the division [of] for

Amend the bill by replacing line 20 on page 18 with the following:

paragraph I, or which are chargeable by law for the child's support and

Amend the bill by replacing line 2 on page 19 with the following:

pursuant to RSA 170-G:4, XVIII, shall be payable by the division [of] for

Amend the bill by replacing line 20 on page 19 with the following:

paragraph I, or which are chargeable by law for the child's support and

Amend the bill by replacing line 25 on page 19 with the following:

approval of the director; division for children and youth services. The

Adopted.



HB 10-FN-A, Relative to state employee salaries and judicial salaries and making an appropriation therefor.

SENATOR CHANDLER: This amendment ensures that the provisions of HB 345-FN-A, regarding full-time probate judges, and pay raises for part-time probate judges and part-time district court justices and other acts affecting unclassified positions are not superseded by this bill.

Amend the bill by inserting after section 15 the following, and renumbering section 16 to read as section 20

16 Contingency; Part-Time Probate Judges. If HB 345-FN-A, relative to the salaries of probate judges and the sessions of probate courts and making an appropriation therefor, becomes law, the weighted caseload schedule for part-time probate judges as provided in RSA 491-A:4, II shall be adjusted to reflect salary increases granted to full-time probate judges on September 11, 1987, June 3, 1988, and December 16, 1988.

17 Contingency; Part-Time District Court Justices. If HB 651-FN, relative to compensation of district court justices and special justices, becomes law, the weighted caseload schedule for part-time district court justices as provided in RSA 491-A:3, II shall be adjusted to reflect salary increases granted to full-time district court justices on September 11, 1987, June 3, 1988, and December 16, 1988.

18 Contingency; Full-Time Probate Judges. If HB 345-FN-A, relative to the salaries of probate judges and the sessions of probate courts and making an appropriation therefor, takes effect, then RSA 491-A:1 shall include, instead of "probate judges", the following provisions:

- |  |           |
|--|-----------|
| I. Probate judges prohibited from<br>practice pursuant to RSA 547:2-a<br>as of the effective date of that act. | \$ 62,476 |
| II. Probate judges prohibited from<br>practice pursuant to RSA 547:2-a<br>as of September 11, 1987.            | \$ 64,350 |
| III. Probate judges prohibited from<br>practice pursuant to RSA 547:2-a<br>as of June 3, 1988.                 | \$ 66,281 |
| IV. Probate judges prohibited from<br>practice pursuant to RSA 547:2-a<br>as of December 16, 1988.             | \$ 68,269 |

19 Unclassified; Other Acts. The provisions of this act amending RSA 94:1-a shall not be deemed to supersede any other acts deleting or inserting positions in RSA 94:1-a.

Amend section 20 of the bill by inserting after paragraph IV the following new paragraph:

V. The remainder of this act shall take effect upon its passage.

Adopted.

HB 200-A, Making appropriations for capital improvements.

SENATOR CHANDLER This amendment corrects several technical errors in the bill, adjusts certain bonding totals already amended by HB 79, and contingently adjusts totals amended by SB 125.

Amend the bill by replacing line 19 on page 14 with the following:

1985, 390:3 and 1987, 131:3 to read as follows:

Amend the bill by replacing line 23 on page 14 with the following:

state not exceeding the sum of [\$22,577,345] \$24,577,345 and for said

Amend the bill by replacing lines 11-18 on page 18 with the following:

25 Federal Groundwater Mapping Program. 1985, 77:1 is repealed and reenacted to read as follows:

77:1 Appropriation; Special Account. The sum of \$2,500,000 is hereby appropriated to the division of water resources, department of environmental services, for participation in the federal groundwater mapping program. This appropriation shall not lapse until June 30, 1996.

Amend the bill by replacing line 26 on page 24 with the following:

state funds in the appropriation made by 1983, 423:1, VIII as amended by

Amend the bill by replacing lines 7 and 8 on page 25 with the following:

I. 1969, 505:1, III(f) and 1972, 62:5 as amended by 1985, 400:5, III(a), Manchester airport-land acquisition and obstruction removal.

Amend the bill by replacing section 49 with the following:

49 Contingency. If SB 125-FN, An Act increasing an appropriation for coastal projects, becomes law, sections 20 and 32 of this act shall not take effect and 1985, 409:11, I as amended by 1986, 209:9; 1986, 211:13; 1986, 211:27; and SB 125-FN shall read as follows:

I. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [\$22,936,620] \$23,806,620 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

Adopted.

HB 296-FN-A, Establishing a department of securities and making an appropriation therefor.

SENATOR CHANDLER: This enrolled bill amendment corrects the title of the bill, corrects typographical errors and makes technical corrections of RSA terminology.

Amend the title of the bill by replacing it with the following:

#### AN ACT

establishing an office of securities regulation and  
making an appropriation therefor, relative to  
takeover bids and target companies, and  
increasing the securities  
registration fee.

Amend the bill by replacing line 22 on page 7 with the following:

office of securities regulation the office of investigations, under the supervision of an unclassified

Amend the bill by replacing line 19 on page 9 with the following:

or employ and prescribe the duties of such systems managers,

Amend the bill by replacing line 2 on page 15 with the following:

(a) If required by any provision of this subdivision or title

Amend the bill by replacing line 4 on page 18 with the following:

if a record of the proceedings is available, a transcript shall be made,  
and

Amend the bill by replacing line 8 on page 18 with the following:

any party to a hearing held pursuant to title XXXVIII or this subdivision from

Amend the bill by replacing line 4 on page 27 with the following:

that the foregoing provisions of this section shall be inapplicable in  
Adopted.

### ENROLLED BILLS REPORTS

HB 142, Relative to sunset review of the fish and game department - administration and support.

HB 228, Legalizing certain town and district meetings and relative to an increase in the salaries of the Conway police commissioners.

HB 508, Authorizing transfers within a program appropriation unit of the department of health and human services.

SB 12, Relative to the operation of motors on Clarksville Pond in the town of Clarksville, the posting of Clarksville Pond, and the reinstatement of the propagation license issued to the Balsams Corporation for Lake Gloriette.

SB 197, Establishing a joint legislative task force to study registration, certification, or licensing of various building services trades.

SB 34, Relative to the advisory budget control committee and the fiscal committee, the legislative budget assistant, and legislative audit and oversight.

SB 90, Relative to amusement parks.

SB 94, Providing the legislative budget assistant with access to certain records.

SB 200, Permitting group II members who reach age 60 and age 65 to make an election for retirement benefits.

SB 212, Increasing financial aid to certain municipalities for water treatment projects and making an appropriation therefor.

SB 219, Relative to a state operated multiple DWI offender intervention detention center and making an appropriation therefor and relative to driving after revocation or suspension.

SB 229, Relative to health clubs.

HB 100, Making appropriations for capital improvements.

HB 108, Relative to sunset review of the department of revenue administration-revenue collection, and relative to certain functions of the department of revenue administration.

HB 165, Relative to sunset review of the department of employment security and relative to appellate procedure in such department.

HB 446, Relative to the registration of partnerships and corporations.

HB 641, Relative to various motor vehicle laws and to seeing eye dogs.

HB 692, Establishing an involuntary treatment task force and allowing the commissioner of health and human services to transfer certain appropriations.

HB 695, Relative to committal orders for persons found not guilty by reason of insanity and relative to the task force on involuntary treatment.

HB 725, Relative to the attorney general, the chief medical examiner, and indigent defendants.

HB 729, Redefining references to the United States Internal Revenue Code for purposes of the business profits tax and temporarily continuing 2 unclassified positions.

HB 10, Relative to state employee salaries and judicial salaries and making an appropriation therefor.

HB 355, Relative to the assumption of local probation functions by the state and making an appropriation therefor; determining financial liability for certain educationally handicapped children under the supervision of the division for children and youth services and making an appropriation therefor; relative to special education and certified programs for children and youth in out-of-home placements; and relative to foster family homes and making an appropriation therefor and establishing a committee on foster families.

HB 440, Relative to intrastate motor carriers.

HB 300, Making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1988 and June 30, 1989.

HB 200, Making appropriations for capital improvements.

HB 296, Establishing an office of securities regulation and making an appropriation therefor, relative to takeover bids and target companies, and increasing the securities registration fee.

Recess.

Out Of Recess.

Senator Dupont moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, and that when we adjourn, we adjourn until Thursday, May 28, 1987.

Adopted.

#### LATE SESSION

Senator Dupont moved to adjourn.

Adopted

*Thursday, May 28, 1987*

Senate met at 1:00 p.m.

A quorum was present.

Prayer was offered by the Reverend Dr. Vincent Fischer, Senate Chaplain.

Let Us Pray. Lord, we thank you for the fellowship together this year. It's been kind of rough. With Thy help and cooperation between the House and Senate - despite the rough spots now and then - made for a very speedy session and a successful conclusion!

Now we adjourn for a very restful summer and fall - to be able to pick up the cudgels next year.

God Bless Us All and Our Families.

Amen

Senator Chandler led the Pledge of Allegiance.



## INTRODUCTION OF GUESTS

## ANNOUNCEMENTS

## GOVERNOR'S VETO MESSAGE

TO THE HONORABLE MEMBERS OF THE GENERAL COURT:

I have vetoed SB 109, expanding the prohibition on possession of dangerous weapons by felons. I have done so after careful review and subsequent to a request by the Attorney General's Office (copy of letter attached) urging me to do so.

SB 109 was originally requested by the Attorney General, in order to clarify and strengthen the criminal prohibition against the possession of firearms and other dangerous weapons by convicted felons. As amended by the House of Representatives, the current prohibitions against possession of dangerous weapons by convicted felons would be weakened, so that certain felons who would now be subject to prosecution under RSA 159:3, would not be subject to prosecution if SB 109 were to become law.

As such, this legislation would weaken the criminal prohibitions against the possession of firearms or other dangerous weapons by certain convicted felons. I support the conclusion of the Attorney General and do not believe this measure should become law.

John H. Sununu,  
Governor

Dated: May 20, 1987.

SENATOR DUPONT: Just for the members of the Senate, I'd just like to briefly say that I was the original sponsor of SB 109. It developed some problems along the way and I urge the members to sustain the Governor's veto on this. It definitely has some problems and it should not go any further.

Question: Shall the bill pass notwithstanding the veto of the Governor.

Division vote:

0 Yeas

24 Nays

Veto Sustained.

Senator Preston moved to suspend the reading of the Governor's Veto Message on SB 183, An act relative to coverage for mental or nervous conditions.

Adopted.

## GOVERNOR'S VETO MESSAGE

TO THE HONORABLE MEMBERS OF THE GENERAL COURT:

I have this day vetoed SB 183, an act relative to coverage for mental or nervous conditions.

SB 183 would have authorized the insurance commissioner to adjust, using the medical price index or other appropriate index, the minimum amount of coverage for treatment of mental and nervous conditions on an outpatient basis. I feel the lack of appropriate information on the added services to be provided creates a mandate for spending with no capacity for calculation of costs by any of the parties involved. In fact, there has been no accurate estimate of the fiscal impact on the state itself, nor is the fiscal impact on other public or private impact on the state itself, nor is the fiscal impact on other public or private employers throughout the state been provided within the analysis of the bill.

It is obvious that this legislation would result in an escalation of medical benefit costs in an area which already represents one of the higher proportion of medical costs. I do not believe that this increase will result in a proportional increase in the benefit to our citizens.

Also, it should be noted that I have been requested by a number of concerned individuals, business, corporations, towns, counties and school districts to veto this legislation. Two such requests, typical of those received, with excellent reasons to sustain my veto are attached.

John H. Sununu

Governor

Dated: May 25, 1987

SENATOR PODLES: SB 183 required that the insurance commissioner index for inflation certain minimum reimbursement levels for mental health care set back in 1975. It would provide the basic level of coverage intended by the general court when we passed the statute in 1975. The Governor said in his veto message that the cost will go up automatically. Cost can be controlled through the process of utilization of review. They can deny the claim if it does not meet the diagnosis. It's not going to go raging out of control. It will be tied onto an ongoing review which is the task force on mental health. This is a safeguard. It's just like sunseting and I would urge you to override the Governor's veto.

SENATOR KRASKER: I, too, would like to speak in favor of overriding the Governor's veto. As Senator Podles has told you, the legislature intended in 1975 to provide a minimum, a basic level of care for most mental health problems. Unfortunately, we set a dollar minimum and this minimum hasn't changed since 1975 although the cost for providing medical and psychiatric care has gone up considerably. I think there are three very important reasons why 183 should become law. First, the citizens of the State. We promised them basic coverage; they deserve to have this promise fulfilled. They are not able to get it now with the erosion of the 1976 dollar. Second, the operation of our mental health system. This relies on the participation of a variety of mental health providers some of which can only participate if insurance coverage is adequate. Third, it's important to the State budget in that we could on a certain percentage of adult patients receiving services from community mental health centers or private practitioners and children placed by DCYS to have adequate insurance coverage. If they do not, the State has to contribute more in tax dollars. We made a promise to the people of the State when we passed mental health coverage. I think we should now index for inflation and allow them to have the coverage they need.

SENATOR MCLANE: I served on the group that first put through this mental health coverage in 1975. At that time we never envisioned the amount of aid that it would give the State of New Hampshire. It is now true that one third of the budgets of the community mental health clinic is provided by third party coverage, such as is mandated by our laws for mental health in the same way that other illnesses are. The other change that has happened since 1975 that was not anticipated by the original sponsors is that there are now studies which prove that mental health coverage actually cuts health care costs in many instances. At the time, we speculated that if someone had an ulcer or was perhaps was drinking too much or drove into a tree that there might be a mental illness cause for this illness which then had a surgical and hospitalization cost to it. There have been studies recently which show very clearly that mental health coverage as a part of a total health care package is cost effective. For the reason that this is going to help the State and for the reason that it was unrealistic, it reminds me of having written into the Constitution that we be paid \$100 a year. Because we wrote into the law that there was a cap, it has now become not really realistic and so for those reasons I wish you would vote to override the Governor's veto

SENATOR HOUGH: I rise to urge you, notwithstanding the Governor's veto, to pass SB 183. As Senator McLane had indicated back in 75, I was in the House and worked very hard on bringing the State forward in the area of mental health and third party payment. We take great pride in witnessing national reports that indicate that the New Hampshire mental health delivery system and the comprehensive program that are in our twenty catchment areas meet the needs of our citizens and though mental health is an emerging science and an emerging discipline, we're all aware of the ravages it brings to individuals and families. Not to pass SB 183 is, in so many words, to allow a very fine and a very forceful and a very progressive and a very humane piece of legislation in 1975 to become nothing less than lip service today. It is unrealistic to assume, having come out of a decade of double digit inflation, that bases set in law can be meaningful and can meet the charge, the policy, the position of this legislature and of the government of the State of New Hampshire. Please give this very serious consideration. Of all of the vetos that we will be faced with I think that this is one where the Governor is misguided in his veto and I think the collective wisdom of 424 people, who affirm this position, has to be enforced over the misguided information that the Governor has provided us. I urge you to override the veto and vote for SB 183.

SENATOR NELSON: Senator McLane, you referred to this legislation as coming on line in 1975, the original legislation. In 1975, what was the dollar amount attached to that bill?

SENATOR MCLANE: I believe the cap is \$3,000 and that would be what anyone could spend for mental health. That was at a time, I believe, when most psychiatrists were charging \$35 an hour.

SENATOR NELSON: Is it my understanding that over the last eleven years a business or anyone could have changed and given higher benefits to their people?

SENATOR MCLANE: Yes, and I'm glad you asked that question because there is a letter from the University of New Hampshire which wishes us not to be in favor of this legislation. I think it is unfortunate because as it turns out that their mental health benefits are far higher than the \$3,000. So, that it is perfectly possible that the commissioner will not set the benefit any higher than what the University is paying now and has been found to be cost effective.

SENATOR DUPONT: I rise in support of the Governor's veto of SB 183. There's just a couple of points that I'd like to make. First off, I

think I'd be certainly remiss in not saying that I agreed that, perhaps, there should be some adjustment of the benefit level, but I think the problem that I have is, today's society, we're all facing the cost of medical benefits that have gone right out the window in terms of the average citizen's ability to pay for those benefits. We stand here, often times, and just say that this is an issue that we should mandate, that we should make the employers of the State pay for these benefits and that that is the right thing to do. Senator McLane referred to the fact that the University has established a level above what is required by law and I think that that's certainly where the decision ought to lie, with the employer who can best decide his ability to be able to fund additional benefits or not. Secondly, I find myself presently with an insurance bill for a family plan well over \$2,500 a year for each family that I insure. My company pays 100% of the benefit, but we're rapidly reaching the point where I'm going to have to take a hard look at that and say that to maintain the economic vitality of the company, it's really getting to the point where that's probably not going to be a benefit that I'm going to be able to provide any longer at the 100% level. Thirdly, many companies provide an insurance plan that the employees pay a portion of it and every time we continue to mandate additional benefits, we also put an additional burden on the working man of the State who has to provide for part of his insurance. The last thing, and I think the biggest thing, is I think we all recognize the need for this important coverage, but in a day and age in which cost containment in the medical field has reached the point where it is the buzzword, so to speak, of the industry where we have passed a piece of legislation that has nothing in it that is going to effectively try to curtail or contain some of the cost that we all know can get out of control. For that reason, while I feel that the bill did have some merit, I certainly would have the ability to support legislation next year that would have something a little bit more substantive in terms of its ability to actually deal with the problem. But for that reason I cannot vote to override the Governor's veto and I urge my colleagues to support me in that effort.

SENATOR MCLANE: Senator Dupont, I agree with you completely that the cost of health care has really gone out of sight. But, would you comment on the fact that almost 90% of that cost is in surgical cost and hospital cost and that the very point that I'm making leads into your statement in that the mental health cost is a cost containment when you have someone getting help for their pain in a way other than surgery or hospitalization.



SENATOR DUPONT: Senator, that is the very reason why I think the bill has some problems. In the surgical area there is no cost containment effort in most plans and when you set up a program that does not contain some cost containment efforts, then it has the ability to get out of control. I believe that you're accomplishing that with this bill.

SENATOR MCLANE: It seems to me that you've given wonderful speeches for my point of view. It seems to me that what you're saying is surgical costs are out of hand because there is no cap. The mental health costs, from the very beginning, have had a cap. They are the only medical care. We don't say to someone, if you have cancer we'll pay you just \$5,000. If they have cancer and they have medical coverage, they can go the whole gambit. But mental health is capped and all that we're asking is that you slightly raise the cap to make more realistic with the last eleven years of inflation.

SENATOR DUPONT: Senator, you haven't defined your cap though. You've left it open ended and I think that's where the problem will be.

SENATOR NELSON: Senator Dupont, I would refer you to the fifth line of the Governor's veto message, and I would ask you, do you know what the medical price index is today?

SENATOR DUPONT: No, I don't. Could you inform me of what that is?

SENATOR NELSON: If I knew the answer would I be asking the question?

SENATOR HOUGH: Senator Dupont, I will preface my question by saying that it is, or would you believe that it is, a disappointment to me to hear an enlightened Republican Senator from Rochester speak about mandating coverage? I have spent a number of years in this Senate and am used to arguing with the Democratic Senator from Rochester who certainly didn't have your background and your expertise and he was always talking about mandating of coverages. I think your comments in regards to your own business, and I have a business that is faced with providing family plans as well and I know the cost, but we go through this in the area of alcohol and drugs benefits. We have mental health; we have general medicine. In fact, if people are in need they should to be able to get the service and the people that are recognized as professionals and providing this service should be properly compensated and I think that's the basis of health insurance. Would you not agree?



SENATOR DUPONT: I would agree with that, Senator Hough, to a certain degree.

SENATOR FREESE: Senator Dupont, Are you aware that there is a task force presently studying this mental health dilemma and that they have not yet made a report and wouldn't you feel that this legislation should be vetoed until that report is out and that we can more intelligently address the problem?

SENATOR DUPONT: Senator, I understand that that is the case and certainly, I think, this should be an interest on the part of this body on hearing from that task force, because it has been mentioned a number of times before in this discussion.

SENATOR DISNARD: I think I need some help. I was of the opinion and I guess I must have been wrong, listening to Senator Dupont. I was of the opinion the insurance companies must offer this new or additional coverage, but that it does not imply that the employer must pay nor does it imply that the employer must offer. It's my understanding that it is available to the employer if that particular company or industry wishes to avail themselves. So, I guess I'm really wrong because what I hear is that it's going to be an additional cost for the employer. I don't see how it is, because if it must be offered by the insurance company, then that's the negotiations process. Because someone goes into negotiation it doesn't mean that they have to give in. I hope someone can straighten me out because I hate to be confused and vote on something which perhaps I'm in error.

SENATOR WHITE: Senator Dupont, you indicated in your testimony that if we do sustain the Governor's veto that you would bring it back in the next session. I would like a clarification. You do not handle this as a bill that has been killed in the session so that we could bring back any vetos that have been sustained. They would not fall under the Joint Rules?

SENATOR DUPONT: It's my understanding, and perhaps the Chair could provide us with some guidance on that issue, that this would be able to be brought back in next session. If I'm not correct, I'm sure the Chair will correct me.

SENATOR WHITE: I just think that's a very valid point.

SENATOR FREESE: I would like to volunteer to answer Senator Disnard's question with regards to volunteerism as opposed to the

bill being mandated. In the bill, it's my understanding, that the bill does mandate it into law so that it does have to be offered by businesses.

SENATOR KRASKER: In answer to Senator Disnard, it's my understanding that the mandate went into effect in '76 and Senator Disnard, you should know that this is not a new mandate. This has been on the books for ten years.

SENATOR DISNARD: Senator Freese, thank you for helping me, but I'm still not clear, Senator, if an employer must pay. That would be to me part of the negotiations process. That the employer offers and that the employee could pay all or part of it. I don't understand the part where the employer must pay.

SENATOR FREESE: The employer must provide the coverage. That may answer your question.

SENATOR DISNARD: Offer or provide?

SENATOR FREESE: Provide.

SENATOR DISNARD: That doesn't indicate pay.

SENATOR FREESE: He has to provide it. You interpret that.

SENATOR DUPONT: Senator Freese, in a company that has and provides full medical benefits for its employees, then when this legislation becomes law they, in effect, have the increased cost of providing additional coverage.

SENATOR FREESE: That's exactly right.

Question: Shall bill pass notwithstanding the veto of the Governor.

Senator Dupont requested a Roll Call.

Senator Podles seconded.

Those in favor: Senators Hough, Disnard, Blaisdell, Pressly, Nelson, McLane, Podles, Stephen, St. Jean, Preston and Krasker.

Those opposed: Senators Bond, Hounsell, Heath, Freese, Dupont, Chandler, Roberge, White, Charbonneau, Johnson, Torr and Delahunty

11 Yeas

12 Nays

Veto Sustained

## HOUSE MESSAGE

## HOUSE REQUEST CONCURRENCE

HB 730, Relative to the North Conway water precinct.

## SUSPENSION OF THE RULES

Senator Dupont moved the rules be suspended to allow the introduction of a bill after the deadline.

SENATOR HEATH: This bill just passed the House by the suspension of the rules. All it does is allow the precinct of North Conway, which is a precinct for the purposes of water, to also be a precinct for the purposes of sewer so that they can call a district meeting and raise a bond and get on with their sewerage project there. I ask you to agree with the suspension of the rules. It costs the State nothing and it only costs the town that which they raise.

SENATOR CHANDLER: Senator Heath, isn't water and sewerage somewhat the same only they're heading in different directions?

Adopted.

## INTRODUCTION OF HOUSE BILL

## First and Second Reading

HB 730, Relative to the North Conway water precinct.

Senator Dupont moved the Rules of the Senate be suspended to dispense with the reference to Committee, the holding of a hearing, the notice of report in the Calendar and that the bill be on Second Reading at the present time.

Adopted.

Senator Dupont moved the bill be put on Third Reading and Final Passage at the present time.

Adopted.

## Third Reading and Final Passage

HB 730, Relative to the North Conway water precinct.

Adopted.

## HOUSE MESSAGE

## HOUSE OVERRIDES VETO

HB 370, Relative to employment opportunity.

Senator Hough moved to suspend with the reading of the Governor's Veto Message.

Adopted.

TO THE HONORABLE MEMBERS OF THE GENERAL COURT:

I have this day vetoed HB 370, an act relative to employment opportunity.

I have done so because of a number of problems within the legislation which mandate significant increases in the cost of our welfare programs without a commensurate improvement in the quality or breadth of the program.

Among the more significant problems this legislation creates is that it does not provide sufficient funds for the programs envisioned. In fact, the money appropriated in the budget is obviously insufficient to pay for the additional case costs proposed. This shortfall is further aggravated by the fact that Section 6 of the bill does not permit the use of funds generated by any reduced AFDC caseload. Even with the ineffective capping mechanism included, the legislation would require eventual funding of a significantly increased cost of service.

It has been suggested that one principal purpose of this legislation is to provide a mechanism for providing Medicaid payments to a single parent willing to accept employment with modest levels of pay. I wish to point out that the State of New Hampshire has already made changes in rules to permit up to four months of Medicaid continuation after start of employment. The state can and, in fact, has been contemplating extending this to twelve month coverage (attached is correspondence relating to this issue). Thus, the need for this legislation is significantly mitigated. The language of this legislation would create a call for expenditures without providing the funds. As we have seen in other legislation recently passed, such an approach is a call for disaster.

I applaud the past efforts of the New Hampshire General Court in implementing successful new welfare-to-work programs. In cooper-

ating with the Department of Health and Human Services and the Job Training Partnership Council, the State will be able to continue and, in fact, enhance our already successful training and job placement efforts in which welfare clients are trained and placed in higher wage positions. These programs will continue to be expanded.

We should also note that since 1983, New Hampshire's vibrant economy has helped reduce our welfare caseload from the high of 7,000 to 4,000 cases. Heads of households formerly on welfare have been able to leave public assistance and maintain their families by earning wages and becoming productive citizens, independent of government welfare subsidiaries. As noted above, this legislation would increase costs without making any effective contribution toward encouraging our citizens to continue their shift from welfare to work.

I would ask the members of the General Court to sustain this veto of HB 370 and continue to work with me to improve our present welfare reform efforts to help continue to move welfare clients from dependency to truly self-sustaining employment.

John H. Sununu,  
Governor

Dated: May 25, 1987

Question: Shall the bill pass notwithstanding the veto of the Governor?

SENATOR HOUGH: I rise to urge my colleagues to pass HB 370 notwithstanding the Governor's veto. This is a piece of legislation that has been worked on and then studied, not only throughout this session, but during the biennium that preceded us. This is a piece of legislation that had a full and exhaustive public hearing in both the policy committees of the House and the Senate. This is a bill that has had scrutiny and the review of both of the committees on appropriation and members of the Senate Finance Committee. It was only within a week, as we were about to conclude our business, that we waited for the better part of an afternoon, so a correct amendment could be drafted. That amendment was drafted and re-drafted. We met with Legislative Services and with the LBA, so that when we went forward with this piece of legislation, we would do it in a manner which would allow it to pass and become law in a proper form.

Now, regrettably, the Governor has vetoed this piece of legislation. In all due respect to John Sununu, in his rationale that when you pass a piece of legislation such as this, you will inevitably increase

the numbers and the cost will increase on the State of New Hampshire. If we were looking simply at a formula and simply at numbers, we could reasonably come to that conclusion.

John Sununu has been wrong, as we all have been wrong. One of his fatal flaws is that he doesn't recognize the humanity of the individuals that we are attempting to give an opportunity to alleviate the suffering. The numbers and the formulas in and of themselves are not the answer. But here we have an opportunity to allow people to keep together the family unit that they are in, keep their children, provide their benefit and give them the dignity and the opportunity to enter into a type of employment that will allow them eventually to be self-sustaining.

This is the type of legislation that speaks well of this Legislature of the State of New Hampshire. Because, in fact, it is the New Hampshire way, the New Hampshire tradition of helping those who are least fortunate. But on the other hand, in the New Hampshire way, it also provides a ladder, so that they can bring themselves to a point where they no longer need public assistance. This is what this piece of legislation is about and this is where the legislature has spoken correctly. This is where Governor John Sununu has made a fatal error: He does not recognize what great good this will be for the suffering people of the State of New Hampshire, allowing them to come forward, get themselves off of public support and walk with dignity on the streets and byways of the State of New Hampshire.

I urge each and every one of you to look into your heart and look into your conscience and recognize that this is ultimately cost effective, not only in dollars, but in human dignity and in the pride of the State of New Hampshire. Vote yes to override the Governor's veto.

SENATOR KRASKER: I too, rise to ask my colleagues to override the Governor's veto on HB 370. I speak as a sponsor of this legislation and also as a person, who, for many years in the legislature, has been in favor of a revision of our welfare system, so that we could get people off welfare and encourage them to work, at the same time, give them the medical protection for their children that will be required. This is the first step and very needed welfare reform. It comes as a result of a report of an interim study committee on families and poverty. One of the recommendations was that the committee recommends (tape changes) human services, pursue the development of optional programs, which will increase the length of time former AFDC members can retain medicaid payments after receiving AFDC program and going to work.



Very simply, that's what this bill does. I think it's a goal that's an objective that everyone supports, everyone including the Governor, who also wants to see welfare mothers and fathers going back to work and at the same time, being able to provide the needed health care for their children. Unfortunately, the Governor in his veto was given inaccurate information and he based his veto message on information that has since been repudiated by the people who gave this information to him. It was brought out in the House. I think the vote of the House in overriding the veto is indicative of the fact that the House recognizes that there was a significant inaccuracy in the information that was given to the Governor.

You may, as I have been, given this letter dated May 28, 1987, from Mary Mongan to the Governor, in which there is supposedly a confirmation that they will be requesting from the Department of Health & Human Services, a waiver of 12 months. I think its indicative of the fact that the information contained within the veto message is not enough and that an extra something is needed to convince all of you that you shouldn't be sustaining this veto. If you have this letter, and I hope you do, I hope you note that there is no income tax in the waiver. It could actually end up costing more money. The waiver that the Governor is suddenly asking for is not a waiver of a minor rule which is routinely granted. It's not merely asking to take advantage of an existing action. It's a request to the Federal Government to open up a very limited four month work incentive and to extend it for an entire year to all AFDC parents who go back to work, regardless of their income. Approving this tripling of the time of coverage the Federal Government would have to agree to fund 50% of the cost and would be agreeing to do the same thing, perhaps for similar requests from any of the other 50 states.

Granting of this request is certainly not a sure thing, but today we can do the sure thing by overriding the veto and putting HB 370 into law. The funding is already in the budget. It's gone through the process. It's something we have already indicated approval of and I hope that you will override the veto now. We don't need a request to the Federal Government for a waiver. We can take this action ourselves.

SENATOR MCLANE: I would like to reiterate some numbers that Elaine used. First of all, this is 50% Federal funding. Thirty-three States in the Union have this method of trying to give medical coverage to poor women. This bill would cover poor women with children who are single, who have gone back to work and are earning less than \$5.05 an hour. It is estimated there would be eleven hundred of

them, which means that we are talking about 1.9 children in each family. There would be four hundred women who we hope would go off welfare at a substantial savings to the state, because with the medical coverage, they could receive medicaid.

The vote in the House was 293 to 63 after long and excellent debate. Unfortunately, interrupted by the Linden Larouche people in the balcony and a little wrestling match, but otherwise the debate was an excellent one.

I promised Eddie that I wouldn't get emotional, but I would like to talk to you about these kids that would be receiving medicaid. They're a grubby little lot. They've all got runny noses. The reason is they live in inadequate housing and they aren't warm enough. We saw them sitting in front of House Appropriations and Senate Finance. Their skins are white, a little grey around the eyes; there is something wrong with these kids. The thing that's wrong is that they are poor. A Maine study has shown that when you take kids under poverty, they are three times more liable to go to the hospital within the first year of their lives. For that reason, their mothers have to have this medical coverage time and time again. In our two years of studying, we had welfare mothers come before us and say, "I wanted to go to work but Maggy has asthma and her medicine is this much a month." Those are the mothers that we would be helping today. I would beg for them that this is what their mothers need and this is what they need.

The hospital association spoke with me this morning. They want this because they are the ones paying the bills now. These poor kids don't not go to the hospital; they go and all of us pay. This is a method that thirty-three States have used. I would beg you, for their sake and their mothers sake, that this is the way New Hampshire should go.

SENATOR HOUNSELL: Senator McLane, you and I have talked today about this and you probably know what I am going to ask for a question. But I have asked this question to others and it hasn't been satisfactorily answered, so I'll ask it again of you. That is this scenario: If we have a level where a parent is receiving \$5.05 per hour, therefor, is qualified under this program. This person is in an entry level position and because of the hard work and diligent effort, this person is rewarded with advancement that means a pay raise of perhaps 25 to 50¢ per hour. Nothing really substantial, but enough to put them over the limit of being eligible for this program. Can you

rationalize it for me, so that I can better understand how this program does not retard a single parent, as I described, from advancing in the working place?

SENATOR MCLANE: We did discuss this, I think that this would happen very rarely, but when it did, let me give you the scenario. This mother gets a 50¢ raise, She's happy. She thanks her boss. She thinks in her mind \$20.00 a week at \$80.00 a month. I am sure she would take the raise, thank her boss and hope that she would be a good enough employee, so eventually he would give her medical coverage. She might turn to him and say, "Mr. MacDonald, if I take this raise, could I not accept it and get medical coverage instead? You give medical coverage to some of your employees. Could I get it?" But I think that in general, everyone wants to advance themselves. The number of people going off this program would be no different than the number of people that have gone off AFDC and lost their medicaid.

SENATOR HOUNSELL: I think that you have answered the question about as well as it could be answered. But would you not believe that I still see that as a flaw in this effort?

SENATOR MCLANE: I think what I'm understanding from your question is a feeling that most people have about welfare mothers. It is sort of an easy life staying home and taking care of kids instead of going to work. Many women go to work and at great sacrifice take their kids to day care and work all day, while the welfare mother sits home watching the TV. I think that you have to look at the original reason for welfare, that mothers have to stay home because it's against the law to leave a year old baby without someone to care for it. That was the original reason for mothers to stay home. All of us realize that the world is changed. Over 50% of mothers with young children work now. Welfare mothers have to work, too. That's what we are saying. We are saying that welfare mothers should go back to work and then we're saying the two things from keeping them from doing that are day care and medical care.

SENATOR HOUNSELL: I want you to understand. So I would ask that, would you not believe, that I definitely believe that people on welfare and people in poverty, of whom I know large numbers of them, not all on welfare but several poverty. Would you not believe them as hard working, striving people, but that this legislation may in fact be hindering the advancements that we would like to provide for them because of the flaws that are in it?

SENATOR MCLANE: I see that that is a point of view that you have, that all Government Aid is really not character developing. I can understand that philosophy. But what I am telling you is the big world out there is very cold and hard for these mothers to go back to work, find the day care and go off to these low paying jobs they are going to get. The only way that they can do it for under \$5.00 and hour is for us to take care of their kids if we're doctors.

SENATOR HOUNSELL: Would you believe that I cannot afford health insurance, so I do understand exactly what the struggle is that they are in?

SENATOR MCLANE: To buy health insurance, I've looked into it for my son and his two kids because he doesn't have regular health insurance, it would be almost \$3,000 a year. It is very difficult to think of a mother earning \$5.00 an hour and getting that care. The main point is that all of us pay if her kids don't get the care. But if they go to the hospital, the hospital is going to pay it. She's not going to pay that bill. If they don't go to the hospital and they end up without care and they end up with rickety bones at age 21, we're all going to pay.

SENATOR HOUNSELL: Isn't it true, Senator McLane, that the real level is not \$5.05 per hour, but \$9.50 per hour and therefor the program does not fund it adequately enough?

SENATOR MCLANE: The welfare program is flawed. The poverty level is figured by taking how much you need to sustain life and going to a supermarket and buying it for a week, then you multiply that with the rent. Because of New Hampshire's rent structure, with everything we do for AFDC, these mothers only get 52% of the poverty level. It's no deal being on AFDC and any mother ought to go off and we ought to help her.

SENATOR DUPONT: Senator McLane, we had a discussion earlier, as this has been debated heavily outside of the chambers. You referenced a number that the individuals that we will help with this bill, eleven hundred of them who are presently working today. What is the actual number that we would be putting back on the welfare rolls?

SENATOR MCLANE: It is estimated that 10% or four hundred women will also go off the rolls onto this program. The eleven hundred are eleven hundred women who are now earning less than \$5.00 and hour.

SENATOR DUPONT: Just for a clarification purpose, I understand your saying that we are going to basically encourage four hundred people to go off of welfare rolls, also, take and pick up medicaid benefits for eleven hundred that have already made the decision to go back and work on their own?

SENATOR MCLANE: Yes, but I would like to point out that these women have made the decision to go back to work. But they are going to go back onto AFDC four times before their children are grown. The reason is that, as we learned again and again in our study, one of the kids gets sick and they can't afford to do anything else. So you have to look at the recidivism rate and realize that there is eleven hundred women we hope will stay off the welfare rolls because we have given them this help.

SENATOR DUPONT: Senator, do you know of any States that have done any work in the area of offering tax credits to business, to help them provide insurance to some of these employees?

SENATOR MCLANE: No. In our studies of our children and poverty report, we had a very good business representative and we had Yvonne Nanasi from the BIA. They had recently done a study which shows that 71% of the business do offer some sort of health insurance. It turned out that that was 71% of the business that answered the questionnaire. There is no study and there was no study of how much this would cost the State of New Hampshire. I think what I'm really begging for at this point is the fact that there is a lot of good ideas out there. The Governor has an idea about offering medical and dental coverages to women going back to work to fix their front teeth. All these good ideas, but we've been three years in studying this. This bill is past and these women, if you remember, waited two years while we fiddled around without putting their shelter up. Their shelter allowance at this very day is \$144.00 a month. So, I'm saying to those people with the bright ideas, "sure, it's a wonderful idea, let's study it." Let's do it, Eddie, but let's not make these women wait for two more years.

SENATOR FREESE: I don't think there is one Senator in this chamber that's opposed the concept of HB 370. Certainly, these people on welfare need an incentive to break away from two or three generations of families being on welfare. That isn't what welfare was established for. However, the money provided in this bill is not adequate to accomplish the intent. It would require an expenditure for not providing the funds. I believe that it's a band aid approach and



that the legislation is flawed. I will not repeat what Senator Hounsell has told us, but I believe the things that he was saying is evidence of the problem. I think what we ought to do is to sustain the Governor's veto and take a look at this next January and see if we can smooth out the bill and make it effective, because I think the concept is proper.

SENATOR ST. JEAN: Senator Freese, you mentioned that you felt that the money contained in the bill was not adequate. Could you tell me of the figures that you've availed yourself to so you can enlighten the rest of the chamber of what you are working from and where you got the figures from?

SENATOR FREESE: The Division of Human Services sent an analysis on the bill as written in the amendment and they believe that it's going to be properly funded. You're going to need \$2,050,000 for a low figure or \$2,450,000 for a high figure each biennium. Section 6 of the bill, as you know, lists the present 60% of level of income on the national level to 100%. That's going to trigger a more expensive funding than you have in here.

SENATOR ST. JEAN: Would you believe that in this chamber we found \$20 million for the land trust center. I suspect we'd be able to find that extra money somehow, if that, in fact, were needed for HB 370?

SENATOR FREESE: I think it's better if we go back, do the bill over, get it right and get a bill through here that we can all support and all agree on.

SENATOR BLAISDELL: Senator McLane and I sat on this committee. A couple of summers Matt Sochalski was the chairman of it in the House. He did an excellent job. The Governor's office sat with us all summer going through this report. While I'm on this report here, wouldn't it be nice if everyone of us had this report in our hands to look at, rather than walk around here with roll call sheets and see how many you've got and who can defeat this bill. You ought to read what the AFDC means. It says to encourage and care of dependent children in their own homes, as opposed to putting them into group homes, orphanism and foster homes. It says they want to maintain and strengthen family life where the children live, Senator Hounsell. Maintain and strengthen family life, which I know you're so deeply interested in, then to maintain the family with a reasonable substance compatible with decency and health.



What a great trust the people of the State have put in your hands. You as Senators have the power to make it just a little bit better for these kids. I mentioned the kids, because if you help the mother who unfortunately doesn't have anybody to help her, if you help that mother, maybe down the line those kids will have just a little bit better outlook on life and want to live and be a part of it. Susan just said it. You know they look pale. They just don't look right because they have nothing to look forward to. A couple of weeks ago when this bill came into Senate Finance, we looked at this very pretty woman. She was a little bit heavier than probably she should be, but that's not because she was eating the right food. It was probably because she was only eating one meal a day so that her children could have the rest of it. She probably had a little bit too much spaghetti and sometimes five nights a week. She looked at me as the chairman of Finance and she took out her teeth and says, "Senator, would you hire me?" She had one tooth in the front. That's all she had. Pretty tough to go out in the world today and ask for a job when you don't have any teeth. These women want to work. They want something a little bit better. I can prove it to you because they came to me in my stores at Christmas, but they couldn't be on my payroll because they would lose food stamps. They would lose all their benefits, just to give their kids a little bit more at Christmas. I said you people have got a great trust. You got the power in your hands to make it a little bit better for these kids.

Senator Charbonneau, you told me you came up the hard way. Me too. I was on welfare. You've heard it in this room before. I lived on it. But somebody helped me. Somebody helped me when my father was too sick to take care of my family. I got my first pair of over-shoes from the city of Keene. I've tried to give some of that back. So, what I am saying to you for god's sake, give them a chance. Maybe you'll make it a little bit better for them. If you think I'm crying, I am, down here I am, because I know what it is and know what it was to be like that. I even probably smelled different than other kids because I didn't have jackets like the rest of them. But I know what it was and god forbid that anyone in this room, Eddie, with your beautiful young baby, I hope to god she never sees it. So I am asking you and pleading with you. When you talk about money, you're right, Senator. If we can give \$25 million bucks into a rainy day fund, then we can put \$20 million in a trust fund. I'll tell you as chairman of Finance, there is plenty of money and don't anybody debate that, there is plenty of money. You can fund it double which you've got in the bill if you want to. But give it a chance to live now, Senator

Freese, and then we will put more money in it the next time. I ask you to vote for this bill. It's the right thing to do. Please.

SENATOR HOUNSELL: I certainly don't object to what Senator Blaisdell has just said and I certainly don't disagree with him. The need to help people is something all of us are motivated by and why we're here today. I think that we can be proud of the fact that we have increased the level of funding into the AFDC already this year. I think we can be proud of a lot of things that we've done this year. I don't think that we have to hold our heads in shame to say this bill is flawed, insufficient and should not pass at this time.

The reason that I spoke to sustain the Governor's veto is because I believe that we can do a better job after we take the summer off. We can focus in on this and come to an understanding of the flaws of this, that the Governor has established in his message. I've read it about three times since we voted not to have it read out loud. I wish we had read it to this chamber because I think it's important. I know that the Governor doesn't want to cause ill to the mothers and the children who would supposedly benefit from this program. But I think he points out something very important, that is the short fall. I can remember back to the settlement law with the \$13 million, then it became \$18 million and then we were faced with perhaps in the future it would be \$36 million, unless we were to correct the flaw in that legislation, something that we did this session. We can be proud of that. I think the Governor is doing us, in this State, a favor by pointing out these flaws. I think it would be too bad if we were to base our action on emotion and not the facts. One of the things he says in the veto message is, "the short fall is further aggravated by the fact that, section 6 of the bill does not permit the use of funds generated by any reduced AFDC case load." I was concerned about that because someone said that they had information that was inadequate. I went and found in the journal of the Senate on page 354 of May 7, 1987, that language. It is my understanding that that's exactly what this Senate says. No amounts in excess of those shall be expended for the purpose of this act, nor shall excessive funds be transferred or expended for any other purpose. I submit to you that that is a flaw in this legislation. In that, by urging parents to go off the welfare rolls, we do not allow the money that is saved from that to become part of the program. It further states, and again this goes back to what happened earlier with the settlement law, the language of this legislation will create a call for expenditures without providing the funds.

I think that this is a problem that we have to address. I think it's a problem that we have to address in the right fashion. I'm very concerned that we put more government upon more government and we don't really get anywhere. I think it is better for us at this time to acknowledge that we have helped by raising the payments for the AFDC recipients and that we see that there is a need to continue looking at this. Those of you who are anxious of this at this time should be just a little bit more patient.

SENATOR MCLANE: Senator Hounsell, I'm sorry, I didn't want to ask a question, but I cannot let it go by that that is an accurate statement of the Governor's, that section 6 cannot be transferred. It's an accurate statement, it cannot be transferred, but because the money is in the budget, it is assumed in the AFDC section of the budget that 10% of the \$4,000 will go off the rolls, because HB 370 is funded. Therefore, the money has already been assumed to be transferred. The medicaid money which has been capped by Charlie Connor in the Legislative Services cannot be expended for any other point. Would it surprise you to know, Senator Hounsell, that what you may see as a short fall in the AFDC, because of the assumption that 10% were going to go off the rolls, because they would get medical coverage?

SENATOR HOUNSELL: What I see is confirmation in the Legislation that was passed in section 6 of the Governor's claim that the bill does not permit the use of funds generated by any reduced AFDC case load. I see that in the sentence, no amount shall be expended for the purpose of this act, nor shall such funds be transferred or expended for any other purpose. That's how I read it and I'm in agreement. I would further state that, as you consider the flaws of this legislation, you're establishing a program that, I feel, hinders a parent's decision to go off the rolls. I think that if we are going to do this, I'm not saying that we shouldn't do this, that we should do it right. I would just, at this time, urge to sustain the Governor's veto and to work on this for next year.

SENATOR PRESTON: Senator Hounsell, just for the record, I would like to correct a comparison that you made, in comparing this to the settlement bill. The honor assumes that it was indicated and could have grown to. Isn't it true that this contains a \$1.6 million cap, in the event that the cost to exceed to have the program suspended?

SENATOR HOUNSELL: This bill does, but I also believe that it's going to open the door for the expansion of this. We heard something already today about day care. We can probably get the mothers

ideas about other programs that we can establish. I think that there has been enough laws pointed out, Senator Preston, at this time, this bill can be logically laid aside and worked on.

SENATOR PRESTON: Don't you think the comparisons and the settlement issue of a \$1.6 million cap as established is grossly unfair?

SENATOR HOUNSELL: I wouldn't say grossly unfair. My point is that what it is doing is pointing out that we passed the flawed bill last year and we had to quickly act this year to correct it. I don't want to see that happen to this bill.

SENATOR JOHNSON: I rise in support of the Governor's message. I do not do this lightly, nor do I do it easily. I was on the telephone until 11:30 p.m. last night discussing this issue with a number of people. I came in early this morning to follow up on those discussions. What is happening on the floor here today confirms what I have experienced this morning. The discussion of facts and numbers on this bill have about as much consensus as the Falwell - Bakker debate. Some of you may know that in the early 1970's I worked in the area of Vocation and Rehabilitation. At that time, I quickly learned that the threat of the loss of medical benefits is a major deterrent to people in various protected categories we have in returning to the world of work. People like on social security disability insurance benefits, AFDC, worker's compensation and those categories. So, I share the concern that has been discussed here today about allowing the opportunity for people to return to work, if they want to. I was uncomfortable with the Governor's veto message. I didn't appreciate what appeared to be a veiled hint that, administratively, they can extend medicaid benefits up to 12 months. So when I came in this morning and raised that question and said that that language wasn't good enough for me, that the only thing that would satisfy me would be a clear cut commitment on the part of the Governor and the Department of Health & Human Services, to indeed extend medicaid benefits out to 12 months. Senator Krasker has already mentioned the May 28 letter, written this morning as a matter of fact, that does that. So for me, we have a clear cut commitment that the Governor has already given the instructions to the department to move forward with extending medicaid benefits for 12 months. I'm confident that he can do that and will do that. If for any reason that I don't know about now that doesn't materialize, this issue can be corrected in a few short months.

SENATOR NELSON: Senator Johnson, did I understand you to say that you worked with some Vocational Rehabilitation clients and one

of their main concerns was that they didn't want to give up their benefits, because they were very concerned that they would lose their health care insurance?

SENATOR JOHNSON: That is exactly what I said.

SENATOR NELSON: Do you think this bill might address some of those concerns with this particular population? To allay those fears if, in fact, they do try to become independent, there might be some light at the end of the tunnel and that their medical benefits, which at this time are so costly, would be provided for them?

SENATOR JOHNSON: I think there are two ways to go, Senator Nelson. One of them would be indeed the passage of HB 370. But another way to go and the way that I'm most comfortable with at this moment is the Governor's commitment to immediately provide 12 months of medicaid coverage. Part of my reason for that is what I said before. There is no consensus on the facts and numbers in regards to this bill.

SENATOR NELSON: Senator Johnson, rather than wait for the future, this is what we have in the present. Would you believe that a bird in the hand is better than two in the bush?

SENATOR JOHNSON: Almost always.

SENATOR WHITE: Senator Johnson, would you believe that when I questioned Nancy Baybutt from the Governor's office, she said, "this could be in place as soon as June 12, with an extension of a waiver, that they have been in contact with the White House and it could be June 12?"

SENATOR JOHNSON: Yes, I do believe that. My belief of that allows me to vote the way I intend to vote today.

SENATOR NELSON: Senator White, as the chairman of the committee that heard this bill, I would wonder how many people testified for this bill?

SENATOR WHITE: I would say probably in the vicinity of 30 people.

SENATOR NELSON: How many people testified against this bill?

SENATOR WHITE: At least two.



Senator Hough requested a Roll Call.  
Senator Dupont seconded.

Those in favor: Senators Bond, Hough, Disnard, Roberge, Blaisdell, Pressly, Nelson, McLane, Podles, Stephen, St. Jean, Torr, Delahunty, Preston and Krasker.

Those opposed: Senators Hounsell, Heath, Freese, Dupont, Chandler, White, Charbonneau and Johnson.

15 Yeas

8 Nays

Veto Sustained.

### ENROLLED BILLS REPORT

HB 730, Relative to the North Conway water precinct.

Adopted.

### SENATE CONCURS

HCR, Honoring John T. Flanders of Concord on his retirement. (see House Journal)

### HOUSE MESSAGE

### HOUSE SUSTAINED VETO

HB 458, Relative to the disposition of fines and forfeitures collected for violation of municipal ordinances, codes and regulations.

HB 724, Relative to the transfer of 57 acres of Rye Harbor state park to the department of fish and game for wildlife management.

HB 727, Relative to the right-to-know law.

Senator Dupont moved that the business of the 1987 Legislative Session having been concluded, we now adjourn this Session Sine Die.

Adopted.

Adjourned.



## SENATE JOURNAL SUBJECT INDEX

The index on the pages immediately following refers to bills and resolutions by number. Some of the subjects are in amendments rather than the original bills. Other subject matter has reference to page numbers. The numerical index following this index gives the page references to all amendments and action on numbered bills and resolutions.

### A

#### **Abortion**

- after viability, in hospital by licensed physician; attempt to save life
  - of fetus .....SB 127
- defined; failure to cause not a defense or consideration in awarding
  - child support .....SB 23
- fetus protected from pain. ....SR 3
- minors, parental consent required .....SB 124
- third trimester, prohibited. ....SB 24am
- US constitutional convention requested to make abortion illegal .....SCR 2

#### **Absentee ballots. See: Elections**

#### **Accountancy board, sunset renewal .....HB 111**

#### **Acquired immune deficiency syndrome. See: AIDS**

#### **Actions and proceedings**

- contributory and comparative fault, joint and several liability repealed ....SB 122
- damages, judgment entered severally, jointly in cases of collusion. ....SB 136
- debts, attorney's fees and court costs may be awarded to prevailing
  - party .....SB 16am
- personal injury, periodic payment of future damages .....SB 88

#### **Adams, Sherman**

- memorial on Mount Washington, appropriation .....SB 86
- memorializing. ....HCR 8

#### **Adjutant general**

- capital improvements appropriation .....HB 200
- contracts with counties for keeping military prisoners .....HB 609

#### **Administrative inspection warrants requested by fire departments .....SB 21am**

#### **Administrative procedures**

- division, sunset renewal; rulemaking procedures and limitations .....HB 103am
- fiscal impact statements, time limits changed for hearing notices
  - and committee approval .....SB 171
- opinions of attorney general published .....SB 110
- rules, may be disapproved by general court .....CACR 21

#### **Administrative services**

- 2 temporary unclassified positions continued .....HB 729
- 1985
  - and 1986 capital improvements appropriation extended. ....HB 200am
  - capital improvements appropriation extended. ....HB 100am
  - appropriation to satisfy negative balances in certain accounts. ....HB 300
  - capital improvements appropriation .....HB 200
  - consultation by education department in setting rates for special education . .SB 40

**Administrative services (cont.)**

- data processing, written agreements with state agencies; expenditures
  - authorized; accounts receivable .....HB 300
- memorial for Sherman Adams on Mount Washington, appropriation.....SB 86

**Adoption**

- appeals, statutory correction .....HB 213
- homosexuals prohibited .....SB 26am
- relationship terminated, procedures, grounds; damages may be awarded ...SB 169

**Adult basic education, sunset renewal.....HB 158**

**Adultery as misdemeanor, repealed.....HB 98**

**Advertising**

- information signs on interstate highways, national standards.....SB 209
- outdoor, information services at rest areas; business directional signs.....HB 660

**Advisory budget control committee, repealed .....SB 34am**

**Advisory committee on school building aid.....HB 300am**

**Aeronautics**

- commission
  - 1985 appropriations extended .....HB 200am
  - 1985 capital improvements appropriations extended .....HB 100am
- Skyhaven airport, 1985 capital improvements appropriation
  - increased .....HB 200am
- director, administration of civil air patrol grant program .....HB 113am
- division, airport system plan updated, appropriation .....SB 107

**Agricultural experiment station, 1987, centennial year.....HJR 1**

**Agricultural fairs. See also: County fairs**

- fund distributions from specific appropriations; percentage of pari-mutuel
  - pools deleted .....HB 679

**Agricultural plates, vehicles under 18,000 pounds.....HB 686**

**Agriculture**

- commissioner
  - blood tests of oxen and cattle at livestock events .....HB 655
  - stop sale orders, enforcement.....HB 725
- department
  - agricultural development division .....HB 391
  - honeybee apiary inspection, appropriation, rulemaking, destruction
    - of hives .....HB 97am

**AIDS**

- cases reported to public health services .....SB 30
- detection, prevention, and control, public health services division .....HB 322

**Air resources division**

- air quality monitoring, additional staff and equipment study .....SB 6
- air toxic control program.....HB 364

**Airboats defined; registration fees, operating requirements.....SB 51**

**Airplanes, removal from surface waters.....HB 220am**

**Airports**

- capital improvement requests, repealed .....SB 233am
- system plan updated, appropriation.....SB 107

**Alana J. Cole state park .....SB 63**

**Alarm installers registration, certification, or licenses, task force**

- to study.....SB 197am

**Alcohol and drug abuse**

- capital improvements appropriation .....HB 200

**Alcohol and drug abuse (cont.)**

## prevention

- office, multiple DWI offenders, 7 day residential treatment program . . . .SB 219
- treatment, and rehabilitation, appropriation . . . . .HB 319am

**Alcoholic beverages**

- communist manufactured, sale prohibited . . . . .SB 131
- driving under influence. See: Motor vehicles, DWI
- licenses, expiration date; director of marketing and merchandising;
  - executive director . . . . .HB 133am
- liquor and wine, redefined. . . . .HB 259am
- malt, premium to fund alcohol and drug abuse services . . . . .HB 319
- premium to fund alcohol and drug abuse services . . . . .HB 319
- state stores
  - Belmont . . . . .SB 36
  - Londonderry and Belmont, appropriation . . . . .HB 91am
  - Suncook store relocated to Allenstown, appropriation . . . . .HB 193am
- wine importers, direct sale to off sale licensees . . . . .HB 652

**Alcoholism, treatment programs, insurance coverage mandatory . . . . .SB 2****Alewives, taking by nets or weir regulated on Lamprey River. . . . .HB 503am****All terrain vehicles, equipment; minors not to carry passengers; written**

- permission on private land . . . . .HB 565

**Allen, Roderick, former senator, res on death. . . . .23-24****Allenstown, liquor store moved from Suncook . . . . .HB 193am****Alzheimer's disease**

- included in catastrophic illness program; appropriation . . . . .SB 46
- respite care program administered by elderly and adult services . . . . .HB 376

**Amusement rides, fixed base operators, minimum liability insurance**

- coverage reduced. . . . .SB 90

**Animals**

- cruelty to, state veterinarian to investigate complaints and enforce laws . .HB 656
- shelters, fee for unlicensed or stray dog determined by agreement
  - with town. . . . .HB 29

**Anna Philbrook center, superintendent, benefits from former position**

- retained . . . . .HB 348

**Apiaries, inspection by agriculture department, appropriation,**

- rulemaking, destruction of hives . . . . .HB 97am

**Appeals, district court to superior court, civil fine or penalty in excess**

- of \$500 . . . . .HB 403

**Appropriations**

- capital accounts, encumbrances liquidated and balances lapsed . . . . .HB 377
- capital improvements. . . . .HB 100
  - HB 200
- operating budget, general sections . . . . .HB 300

**Architects**

- engineers, and land surveyors joint board, sunset renewal . . . . .HB 168
- exemption from regulation for small structures. . . . .SB 100

**Architectural barrier-free design code, new public buildings. . . . .HB 100**

HB 200

**Architecture requirements, small buildings not for assembly exempt . . .HB 168am****Archives. See: Records management****Arts development program, matching grants, appropriation . . . . .HB 263****Atomic energy, peaceful uses, repealed . . . . .HB 568**

**Attachments**

- real property, duration .....HB 94
- tenant's wages for rent .....SB 17

**Attorney general.** See also: Justice department

- challenge of Maine income tax imposed on NH residents. ....SB 121am
- charitable trusts, filing fees, restricted revenue .....HB 300
- controlled drug violations, property forfeited .....SB 237
- eminent domain bureau renamed transportation and construction bureau;
  - consumer complaints, disclosure .....HB 725
- health clubs, rulemaking .....SB 229
- medicaid fraud control unit .....HB 547
- medical examiner, capital improvements appropriation. ....HB 200
- publication of opinions on rulemaking and administrative procedures. ....SB 110
- regulation of charitable solicitations .....HB 474

**Attorneys**

- bar membership optional .....SB 18
- complaints against, heard by civil law review board .....SB 59
- indigent defendant
  - program, study .....HB 300am
- repayment, separate order, copy to administrative services .....HB 725

**Auctioneers**

- board, sunset renewal .....HB 176
- license applications; bond increased; license renewals; grandfather
  - clause repealed .....HB 703am

**Audit and budget divisions, legislative budget assistant** .....SB 34am  
SB 192am

**Auditors**

- court-appointed, commissioned by governor and council .....SB 60
- state, appointment, audit function of legislative budget assistant and
  - sunset committee .....SB 192

**Autocycle defined** .....SB 188

**Automated information systems board, membership changed** .....HB 90

**B**

**Bail and recognizances, detention and release, reform** .....SB 238

**Balsams Hotel, Lake Gloriette designated private, propagation license**  
reinstated .....SB 12am

**Bankruptcy proceedings, chapter 11, federal legislation requested to give**  
employee claims higher priority .....HCR 7

**Banks**

- branches, restrictions
  - eased .....SB 199
  - removed .....HB 189
- commissioner, nondepository 1st mortgage lenders licenses .....HB 723
- credit cards, interest limited .....SB 140
- electronic fund transfer fees based on services .....SB 116
- mutual holding companies, directors' shares as special class of stock
  - deleted .....HB 418am
- regional banking in New England .....SB 43
- state deposits exceeding limits, treasurer compliance within 30 days. ....HB 431
- tax, declaration of estimated tax filed .....HB 363

**Barbering**

and cosmetology

board, sunset renewal .....HB 161

services off-premises, regulated by board .....SB 232am

cosmetology, and esthetics board, membership, meetings.....SB 224

**Barbers**, 4 years of high school or equivalent .....SB 224**Barnstead**, meeting restricting storage and disposal of low level

radioactive waste legalized .....SB 64am

**Bartlett, William S.**, nominated and elected President.....3-4, 8**Bear hunting season**, limit, method and manner of taking set by fish

and game rules .....HB 61

**Beaver Brook watershed**, reclassification .....HB 225**Beer**. See: Alcoholic beverages,malt**Bees**, inspection of apiaries by agriculture department, appropriation,

rulemaking, destruction of hives .....HB 97am

**Belmont state liquor store**; appropriation .....SB 36

HB 91am

**Berlin vocational technical college**, pulp and paper technology program...HB 327**Bills and resolutions**

fiscal impact notes, sources of information.....HB 71

number to be printed, responsibility of clerks.....HB 102am

**Bingo**

administrative authority transferred to safety department .....SB 205

licenses, charitable organizations, eligibility.....HB 540

**Bird, Dr. Hubert C.**, res honoring .....1710-1711**Blaisdell, Sen. Clesson J.**

dean of Senate .....10

nominated and name withdrawn for President .....4-8

**Blood donation by homosexual**, felony .....SB 26**Boats**

launching sites, Wallop-Breaux federal funds, state matching funds.....HB 255

maintenance or repair plates, fee .....HB 509

moorings on certain lakes, permits; rules.....HB 586am

motor

horsepower restricted on Hermit Lake in Sanbornton.....HB 420am

horsepower restricted on Lake Pemigewasset (New Hampton and

Meredith), safety services to study.....HB 420am

horsepower restricted on Lake Wicwas (Meredith).....HB 65

horsepower restricted on Marchs Pond and Chalk Pond (New

Durham).....HB 306am

internal combustion, prohibited on Wakondah Pond, Moultonborough

and School Pond, Danbury .....HB 31am

maximum speed limits on public waters, penalties, appropriation .....SB 201

minimum age for operation, 16.....HB 437

muffling devices, noise limits, penalties.....SB 51

removal of submerged vehicles from surface waters.....HB 220

restrictions on Clarksville Pond .....SB 12

operators, disobeying law enforcement officer, misdemeanor .....HB 382

uniform fine schedule set by rule.....HB 408

**Bonds**

- revenue
  - capital improvements appropriation .....HB 100  
HB 200
  - private activity limit, allocation procedures complying with Tax Reform Act of 1986.....SB 214
  - refunding by towns; public hearing for issue over \$100,000; debt limit
    - the same .....SB 235
  - school districts, state guarantee limit increased .....HB 544
  - second bridge over Nashua River.....SB 154
- surety
  - health clubs.....SB 229
  - subdivision developers, planning boards may not require cash .....SB 147
  - waived for administrator sole heir .....HB 40

**Boxing and wrestling commission, sunset renewal .....HB 163**

**Bridges**

- covered, Cornish-Windsor, VT, restoration appropriation.....HB 83am
- Nashua River (Nashua) second bridge, appropriation .....SB 154
- toll, Portsmouth to Kittery, named for Sarah Mildred Long.....SB 141am
- Westminster bridge (Walpole), rehabilitation appropriation, bonds.....HB 260am

**Brock, Chief Justice David A., invitation to address joint convention .....HCR 9**

**Budget**

- capital accounts, encumbrances liquidated and balances lapsed .....HB 377
  - effective date changed .....HB 100am  
HB 200am
- capital improvements.....HB 100  
HB 200
- operating, general sections.....HB 300

**Buildings**

- construction safety violations reported by engineers to fire marshal .....HB 528
- small structures, architect not required .....SB 100

**Business**

- closings, officers personally liable for employee wages.....SB 117
- directional signs, annual permit fee \$10 .....HB 660
- profits tax
  - Internal Revenue Code provisions adopted .....HB 361
  - Internal Revenue Code redefined .....HB 729
  - liens continued without annual renewal .....HB 328
  - rate decreased; contingent rates based upon future revenue collected ...SB 104

**C**

**Camp Tecumseh, Inc., Moultonborough, charter reinstated .....HB 66am**

**Campaign financing, expenditures voluntarily limited, filing fee  
waived or refunded .....SB 177**

**Campgrounds, submetering not to exceed amount charged by utility .....HB 599**

**Canaan, special meeting legalized .....HB 312am**

**Cancer, occupationally related in firefighters, prima facie presumption...HB 671am**

**Cannon Mtn.**

- 1985 capital improvements appropriation extended.....HB 100
- aerial tramway fund repealed.....HB 309am
- ski area and aerial tramway operated by NH ski area commission .....SB 162



**Capital budget**

- accounts, encumbrances liquidated and balances lapsed .....HB 377
- effective date changed .....HB 100am
- HB 200am
- airport improvement requests repealed .....SB 233am

**Capital improvements**

- appropriations.....HB 100
- HB 200
- facility fees on new construction, local option .....HB 632
- plans, towns, filed with office of state planning .....SB 35

**Carnivals, amusement rides, fixed base operators, minimum liability**

- insurance coverage reduced.....SB 90

**Carroll county court house, capital improvements appropriation .....HB 200am**

**Catastrophic illness**

- appropriation.....HB 319am
- program
- Alzheimer's disease included .....SB 46
- funds from tobacco tax .....SB 207

**Categorically needy, eligibility criteria for medical assistance.....SB 184**

**Cats, sale, breeder's health certificate required.....HB 654**

**Cemeteries or burial grounds, interference, penalty .....HB 456**

**Central NH turnpike**

- toll barrier south of Nashua, estimated completion date delayed
- to 1994.....SB 155am
- toll rates exempt from rulemaking procedures .....HB 440am

**Centralized data processing. See: Information services division, data processing**

**Certificate of need program repealed.....SB 98**

**Chalk Pond, motorboats, horsepower restricted; jet skis prohibited ....HB 306am**

**Chandler, Sen. John P.H., Jr., appointed president pro tem.....10**

**Charitable fund, administration of trust fund for the prevention of child**

- abuse and neglect; appropriation .....SB 130

**Charitable organizations**

- bingo licenses eligibility .....HB 540
- financial statements and lists of tax exempt property filed with tax and
- land appeals board .....HB 295
- volunteers, liability limited .....SB 120

**Charitable solicitations, regulation by attorney general .....HB 474**

**Charitable trusts**

- director appointed by attorney general; salary increased.....HB 725
- filing fees, restricted revenue.....HB 300

**Charters reinstated**

- Camp Tecumseh, Moultonborough, Webster Lake Assn., Franklin and
- Lakewood Assn.....HB 66am
- Chocorua Chapel Association.....HB 13
- First Congregational Church of Salem .....SB 73

**Cheshire**

- county industrial agent, appropriation .....SB 47
- Fair. See: County fairs

**Chief medical examiner, access to medical records; disposal of unidentified**

- remains; rulemaking authority .....SB 236

**Child abuse trust fund**

- 50% of filing fees for primary elections . . . . .SB 177
- article read into the record . . . . .912-913

**Child care**

- agencies, communicable diseases, immunization of children . . . . .SB 133
- conference on incentives for employers to operate day care facilities  
for employees . . . . .HB 284
- facilities, rate setting by children and youth services division repealed . . . .SB 118

**Children**

- abused or neglected, trust fund; administered by NH Charitable Fund;  
appropriation . . . . .SB 130
- adopted, relationship terminated, custody reverted to state. . . . .SB 169
- and youth services division
  - juvenile services officers assigned to each judicial district . . . . .HB 355
  - rate setting for licensed child care facilities repealed . . . . .SB 118
  - services, study . . . . .HB 349am  
HB 355am
  - supplemental appropriation . . . . .SB 31
- confinement at YDC or NH hospital, alternatives investigated, study  
repealed . . . . .SB 65
- custody, legal and physical; determination of best interests of child . . . . .HB 398
- delinquent, abused or neglected, or in need of services
  - court ordered placements, case plans, certified programs;  
liability proceedings . . . . .HB 349am  
HB 355am
  - educationally handicapped, liability for expenses . . . . .HB 318
- dependent, aid to families, shelter allowance increased; appropriation . . . .SB 81am
- foster homes, compensation increased, reviewed annually . . . . .HB 293am
- immunization against communicable diseases . . . . .SB 133
- missing, hotline in state police division. . . . .HB 230
- seat belts required for minors under 5, exception for vehicles manufactured  
without seatbelts removed . . . . .HB 439
- services, interagency dispute resolution, study . . . . .HB 709
- support, claims for payments enforced against workers' compensation  
awards . . . . .HB 241
- unborn, human life begins at conception. . . . .SB 25

**Chiropractic**

- examiners board, sunset renewal, rulemaking authority; jurisdiction  
of public health services . . . . .HB 112am
- redefined; 2 classes of licenses; qualifications. . . . .SB 163

**Chocorua Chapel Association, charter revived. . . . .HB 13**

**Christa McAuliffe**

- memorial fund. . . . .HB 300
- planetarium fund . . . . .HB 238

**Cities**

- and ward officers, election to fill vacancy same day as biennial election . . . .SB 92
- council, alternates, appointments and terms. . . . .HB 186
- tax rate set by; local option . . . . .SB 185

**Civil actions, district court, landlord and tenant actions, venue where real**

- property is located. . . . .HB 190

**Civil air patrol, sunset termination. . . . .HB 113am**

**Civil defense**

- replaced by emergency management act .....HB 37
- sunset renewal .....HB 128

**Civil law review board, complaints regarding attorneys and judges .....SB 59****Claims against NH**

- corrections department exclusive jurisdiction on claims against the  
state prison in amounts less than \$500 .....HB 106am
- Martell v. State Liquor Commission*, appropriation .....HB 371

**Claims board, sunset renewal .....HB 106****Claremont**

- school district, time for election of officers repealed .....HB 466
- vocational technical college, capital improvements appropriation .....HB 200

**Clarksville Pond**

- 2 fish bag limit on trout removed.....HB 208
- motorboats, restrictions.....SB 12

**Clean indoor air in restaurants act .....SB 218****Clean Water Act amendments, urging congress to pass .....SR 1****Clerk**

- assistant, Gloria Randlett elected.....9
- House and Senate, responsibility for number of bills to be printed.....HB 102am
- Wilmont S. White  
elected .....9
- thanked for his fine work.....1897

**Clinical mental health counselor, licensing board.....SB 170****Clinical social workers licensing board.....SB 170****Coastal projects, Hampton, Portsmouth, and Rye harbors, DRED,  
appropriation .....SB 125am****Coe Brown Academy, participation in retirement system .....SB 178am****Cogeneration facilities, payments in lieu of taxes, apportioned between  
town and school district.....HB 668****Cole, Alana J., state park .....SB 63****Collins, Minnie, access to Route 111 in Derry .....HB 440am****Commerce department .....HB 470****Commercial schools, private, bond limit and license fees increased.....HB 658****Committee re-referrals**

- alcohol and drug abuse insurance coverage .....SB 2
- bail reform .....SB 238
- continuing care communities regulated by insurance commissioner .....HB 571
- controlled drugs, prohibitions, enhanced penalties .....SB 237
- county corrections departments .....HB 480
- electric utilities, excess capacity, costs excluded from rate base .....HB 708
- estheticians licensed.....SB 224
- fish and game executive director appointed by commission.....SB 132
- Franklin-Laconia connector, land acquisition deadline; appropriation .....HB 354
- home health care, insurance coverage .....HB 436
- leases, uniform commercial code .....SB 208
- low income housing, funding from real estate brokers interest bearing  
trust accounts .....HB 532am
- master plans updated every 5 years .....HB 231
- mental health practitioners licensing boards .....SB 170
- motor vehicles, trucks, double trailers access to terminals and  
facilities .....HB 293am

**Committee re-referrals (cont.)**

- mutual holding companies, directors' shares as special class
  - of stock deleted.....HB 418am
- open space land, assessment based on soil potential index .....HB 714am
- ordinance violations, penalties; district court concurrent jurisdiction ..HB 403am
- sewage disposal systems, private, expansion and adequacy .....HB 240
- subdivision developers, surety bonds, limitations .....SB 147
- tax exempt property listed with tax and land appeals board .....HB 295
- wine importers, direct sale to off sale licensees .....HB 652
- wiretapping and eavesdropping, definitions expanded.....SB 239
- workers' compensation
  - new disability benefits within 4 years .....HB 687
  - wages defined to include benefits and gratuities.....HB 697

**Committees, standing, appointments** .....34-37

**Communicable diseases**

**AIDS**

- and herpes simplex type II reported to public health services .....SB 30
- detection, prevention, and control .....HB 322
- immunization of children for attendance at school or child care agency ....SB 133

**Communist manufactured alcoholic beverages, sale prohibited** .....SB 131

**Communist tyranny, freedom fighters against, support pledged**.....SJR 1

**Community living homes, residents, standard of need increased** .....SB 142

**Community mental health residences, direct care employees, administration**  
of certain medicines.....HB 626

**Community residences, medical assistance recipients, personal needs**  
allowance .....HB 607am

**Condemnation, private property for nuclear power plants, prohibited** ..HB 195am

**Conditional release replacing probation in juvenile statutes** .....HB 355am

**Condominium conversions delayed 3 months after rent increase**.....HB 479

**Confidential information**

- explosives, storage hearings .....SB 87
- state agencies, accessible to LBA .....SB 94

**Congregate housing program for elderly and incapacitated adults** .....HB 273

**Congregational Church, Jaffrey, charter revived** .....HB 500

**Connecticut River**

- land for state park, negotiations by DRED and fish and game .....SB 63am
- valley
  - flood control commission, sunset renewal.....HB 164
  - resource commission, membership, duties, rulemaking.....HB 321am

**Conservation commissions, alternates, voting powers; expenditure of**  
appropriated funds.....HB 421am

**Constitutional amendment proposals**

- executive branch administrative rules may be disapproved by
  - general court .....CACR 21
- general court, biennial sessions.....CACR 12
- governor, 4 year term .....CACR 2
  - senators, 6 year term.....CACR 11
- jury trial in civil cases, amount in controversy exceeding \$1500.....CACR 4am
- senate, membership 36; 4 year term .....CACR 20
- supreme court rules effective if not inconsistent with statutes.....CACR 10

**Construction safety violations reported by engineers to fire marshal** .....HB 528

Consumer advocate, administratively attached to PUC .....	SB 222
	HB 135am
Consumer complaints, number and type against particular person, public disclosure .....	HB 725
Continuing care communities, regulated by insurance commissioner .....	HB 571
Contracts, leases, uniform commercial code .....	SB 208
Controlled drug act, prohibitions, enhanced penalties, property forfeited. . .	SB 237
Conway	
police commissioners, salary may be increased. ....	HB 228am
village fire district, sewage treatment	
appropriation, bonds authorized .....	SB 10am
plant and lagoon system expansion, appropriation .....	HB 250
Cooperative extension service, UNH	
funding and efficiency study. ....	HB 367
supplemental appropriation .....	HB 366
Cornish, covered bridge to Windsor, VT, restoration appropriation .....	HB 83am
Corporations	
change of registered agent or office, failure to notify secretary of state, procedure; forfeited charters reinstated .....	SB 57
charters reinstated .....	SB 193
foreign, application for certificate of authority .....	HB 446
registered or exempted securities, reporting fee to insurance department .	SB 203
voluntary	
legal services, purposes expanded .....	SB 113
Pequawket Foundation, charter .....	HB 221
Correctional line personnel group II retirement system .....	HB 693
Corrections	
1985 capital improvements appropriation extended .....	HB 200
capital improvements appropriation .....	HB 200
commissioner, method of determining good conduct credits changed. ....	HB 425
department, excessive prisoner population, additional funding;	
female facility, funding .....	HB 300
departments in counties .....	HB 480
Correspondence schools, private, bond limits and license fees increased . . .	HB 658
Cosmetologists	
4 years of high school or equivalent .....	SB 224
practice in home of invalid, handicapped, or elderly. ....	HB 291
Cosmetology board. See: Barbering	
Council. See: Governor and council	
Counties	
acquisition and operation of public utilities. ....	SB 8
corrections departments replacing jails and houses of corrections .....	HB 480
employees, discharged or suspended, collective bargaining agreement to prevail in certain cases .....	HB 433
nursing home reimbursement to state reduced. ....	HB 217
officers, salaries set biennially before filing date for elections .....	HB 62
County conventions, meetings	
first, time and place .....	HB 595
per diem increased. ....	HB 706
County fairs, security guards, detention powers .....	SB 58am
County houses of correction personnel in group II retirement system. ....	HB 693
County treasurer, vacancy filled by superior court for unexpired term .....	HB 49

**Courts**

accreditation commission, membership increased, terms .....HB 264am  
judges. See: Judges

**Crabs**, 12 a day taken by hand without a license .....HB 47am

**Crafts State Corporation**, participation in retirement system .....SB 178am

**Credit cards**, interest limited .....SB 140

**Crime commission repealed** .....HB 526

**Criminal code**

adultery as misdemeanor repealed .....HB 98

blood donation by homosexual, felony .....SB 26

criminal mischief, pecuniary losses aggregated to determine grade

of offense .....HB 455

insane

acquitted, committed to secure psychiatric unit .....HB 695

secure psychiatric unit committal renewal, conditional discharge

procedure. ....HB 55

insanity defense abolished; mentally ill prisoner sentenced to secure

psychiatric unit .....SB 32

interference with cemeteries or burial grounds, unlawful possession of

gravestones, penalties .....HB 456

lucky 7 ticket dispensers exempt from prohibition on gambling

machines .....HB 555am

sentences

civil fine or penalty not part of criminal record .....HB 403

conditional, imprisonment for nonpayment of fine, amount credited

per diem increased .....HB 605

controlled drug offenses recorded as misdemeanors only for persons

under 21 .....SB 114

sexual assault, prosecution prohibited unless notification occurred within

6 months repealed .....SB 158

**Criminal defendants, indigent**

program, study .....HB 300am

repayment, separate order, copy to administrative services. ....HB 725

**Criminal procedure**, witnesses, compelling evidence, use immunity. ....SB 108

**Criminal records**, availability .....HB 289

**Cultural programs**, matching grants, appropriation .....HB 263

**Current use**

advisory board membership increased .....HB 551am

assessment, study .....SB 186am

**Custody**, children, legal and physical; determination of best interests

of the child. ....HB 398

**D**

**Dam redefined**. ....HB 225am

**Damages**

construction, deficiencies in engineering, surveying, inspection, materials,

and labor, 6 year limitation .....SB 50am

judgment entered severally, jointly in cases of collusion .....SB 136

personal injury

judgments, periodic payment of future damages .....SB 88

noneconomic loss, flexible limit .....SB 135

punitive, nuclear incidents .....HB 405



<b>Data processing oversight committee</b> .....	<b>HB 300am</b>
<b>Day care.</b> See also: Child care	
centers, operation by homosexuals prohibited .....	<b>SB 26am</b>
<b>Daylight saving time</b> , first Sunday in April to last Sunday in October .....	<b>HB 728</b>
<b>Dean of the senate</b> , Clesson J. Blaisdell appointed .....	<b>10</b>
<b>Debts</b> , actions to collect, attorneys' fees and court costs may be awarded to prevailing party .....	<b>SB 16am</b>
<b>Declaratory judgments</b> , determination of liability insurance coverage in US district court .....	<b>HB 393am</b>
<b>Deer</b>	
gifts, label with date and donor .....	<b>HB 22</b>
hunting	
bow and arrow, tags provided .....	<b>HB 47</b>
Madbury, method of taking limited .....	<b>HB 38</b>
season and methods of taking set by fish and game executive director .....	<b>HB 61</b>
shooting human being, negligently substituted for carelessly; license revoked .....	<b>HB 95</b>
<b>Defense system</b> , space, non-nuclear; congress urged to pursue .....	<b>SR 4</b>
<b>Definitions</b>	
A D R D .....	<b>HB 376</b>
airboats .....	<b>SB 51</b>
autocycles .....	<b>SB 188</b>
boats .....	<b>HB 437am</b>
campground for utility purposes .....	<b>HB 599</b>
chemical dependence .....	<b>SB 2</b>
chiropractic .....	<b>SB 163</b>
closed-end loan; open-end loan .....	<b>HB 722</b>
congregate housing .....	<b>HB 273</b>
dealer, jobber, and supplier .....	<b>SB 159am</b>
developmental disability .....	<b>HB 541</b>
distributors of motorfuel .....	<b>HB 383</b>
emergency management .....	<b>HB 37</b>
enclosed public places, restaurants included for prohibition of smoking .....	<b>SB 15</b>
fixed base and mobile base operators of amusement rides .....	<b>SB 90</b>
habitual offender under motor vehicle laws .....	<b>HB 402</b>
investment advisor .....	<b>HB 550</b>
janitorial service contractor .....	<b>HB 88</b>
juvenile service officers .....	<b>HB 355</b>
meeting, public proceedings .....	<b>HB 727</b>
mental health practitioner .....	<b>SB 170</b>
mineral, earth, quarry to include granite .....	<b>SB 96</b>
minor subdivisions .....	<b>SB 152</b>
multi-family housing .....	<b>SB 149</b>
municipal legislation .....	<b>HB 416</b>
mutual holding company, subsidiary guaranty savings bank .....	<b>HB 418</b>
nuclear incident .....	<b>HB 405</b>
person .....	<b>HB 87</b>
petroleum gas facility operator .....	<b>HB 704</b>
sewage disposal system .....	<b>HB 240</b>
toxic air pollutant .....	<b>HB 361</b>
warehouse .....	<b>HB 652</b>

**Definitions (cont.)**

- wine and liquor .....HB 259am
- wire communications, etc. ....SB 239
- Delahunt, Sen. Joseph, "Rookie of the year"** .....1698
- Dennis, Lynne M.**, director of legislative services, letter regarding
  - sunset bills renewal dates .....297-298
- Dental board**, sunset renewal; rulemaking for continuing education and
  - hearings .....HB 114am
- Dental hygienist**, NH technical institute, program expanded; appropriation.HB 347
- Derry, I-93**, new exit, transportation department cooperation in design...HB 200am
- Detectives**, private, armed, fingerprint requirement for licensing.....HB 438
- Developmental services residences**, direct care employees, administration
  - of certain medicines .....HB 626
- Developmentally disabled**
  - defined, conformed to federal law, study .....HB 541
  - support service for families, study .....HB 699
- Developmentally impaired**, involuntary admission and treatment .....HB 695am
- Disabled**, totally and permanently, veterans; homestead exemption,
  - disabilities expanded .....HB 232
- Disaster office**, sunset renewal .....HB 129
- Discrimination**, compensatory damages assessed by human rights
  - commission .....SB 9
- Diseases, communicable**
  - AIDS**
    - and herpes simplex type II reported to public health services .....SB 30
    - detection, prevention, and control .....HB 322
    - immunization of children for attendance at school or child care agency ....SB 133
- Dispute resolution**, interagency, children's services, study .....HB 709
- District courts**
  - concurrent jurisdiction over enforcement of local regulations; temporary
    - restraining orders; appeals to superior court .....HB 403am
  - finances for violating municipal ordinances returned to municipality after
    - expenses.....HB 458
  - judges**
    - 6 year term .....CACR 13
    - and special judges, compensation.....HB 651
    - tenure following consolidation .....HB 579
  - landlord and tenant actions, venue where real property is located .....HB 190
  - Manchester, special environmental court established by supreme court rule. .SB 85
  - Peterborough and Jaffrey combined.....HB 579
  - probation officer replaced by juvenile service officer, funded by state ..HB 355am
  - sessions discontinued in towns within district upon agreement with towns ..HB 99
- Divorce**
  - children, legal and physical custody; determination of best interests
    - of child .....HB 398
  - property settlement, alimony, trust funds .....HB 36am
- Docks**, major projects approved by wetlands board and governor and
  - council .....HB 184
- Dogs**
  - group licenses clarified; complaints investigated by agriculture
    - commissioner; penalties specified .....HB 654

**Dogs (cont.)**

## racing

pari-mutuel pools, tax credit continued, limit raised. . . . .HB 299

unruly persons ejected from racetrack grounds . . . . .HB 248

seeing eye, definitions, licensing, prohibited acts. . . . .HB 641

## unlicensed

or stray, shelter fee determined by agreement with town. . . . .HB 29

trappers not liable for injury caused by traps. . . . .SB 19

**Domestic violence**, assaults, annual report by state police to governor. . . .HB 289

**Doorkeeper**, Emil Martineau elected. . . . .26-27

**Dover**

## routes 9 and 155

construction of 4-way intersection, appropriation . . . . .HB 200am

intersection improvements, appropriation . . . . .SB 151

Weeks traffic circle and access roads, improvements appropriation. . . . .SB 187

**Dow, David** elected sergeant-at-arms . . . . .9

**Dredging**. See: Excavating

**Driver**

and safety education fund, amount lapsed to general fund . . . . .HB 300am

## education

grants increased; appropriation . . . . .HB 216am

high school or commercial instructors, license examination agents . . . . .SB 103

sunset renewal; uniform certification of instructors . . . . .HB 159am

**Drugs**

abuse, prevention, treatment, rehabilitation, appropriation . . . . .HB 319am

## controlled

prohibitions, enhanced penalties, property forfeited. . . . .SB 237

sentences recorded as misdemeanors only for persons under 21. . . . .SB 114

dependency treatment programs, insurance coverage mandatory. . . . .SB 2

**Dupont, Sen. Edward C.**

announcement on birth of daughter . . . . .192

appointed majority leader . . . . .10

**Durable power of attorney**, limitations on agents, hearings for redress

confidential . . . . .HB 236am

**E****Easter Seals** camp exempt from horsepower restriction on Marchs

Pond, New Durham . . . . .HB 306am

**Eastern NII turnpike**

installation of overhead lights at certain exits, appropriation . . . . .SB 150

toll rates exempt from rulemaking procedures . . . . .HB 440am

**Economic development**

## division, DRED, transferred to

commerce department . . . . .HB 470

state planning office . . . . .HB 570

joint promotional program. . . . .SB 144am

**Education**

administrator excellence program; catastrophic aid . . . . .HB 152am

## department

adult basic education, sunset renewal . . . . .HB 158

health education consultant. . . . .HB 373am

special initiatives program, 1985 appropriation non-lapsing . . . . .HB 300

**Education (cont.)**

- elementary and secondary minimum standards set by statute .....SB 210
- higher; tuition waived at technical institute and vocational technical
  - colleges for totally disabled veterans.....SB 167
- program and funding, balance of interests, study.....HB 281
- school administrative units, number not limited .....SB 217am
- school building aid advisory committee .....HB 300am
- special
  - catastrophic aid formula and payment date changed .....HB 152am
  - court ordered placements, case plans; certified programs; liability
    - proceedings .....HB 349am
    - HB 355am
  - review of placements; consultation with administrative services
    - in setting rates.....SB 40
- state board
  - administration and support, sunset renewal .....HB 152
  - driver education, sunset renewal; uniform certification of instructors. ....HB 159am
  - financial aids, sunset renewal .....HB 153
  - food and nutrition program, sunset renewal.....HB 155
  - general education, sunset renewal; evaluations .....HB 157am
  - special services, sunset renewal .....HB 154
- Educational organizations**, list of tax exempt property filed with tax
  - and land appeals board .....HB 295
- Educationally handicapped children**, court ordered placement, liability
  - for expenses .....HB 318
- Eidelweiss village** district-Madison negotiations, mediator reimbursed .....SB 95
- Elderly**
  - and adult services
    - deputy director; administrator II position .....HB 726
    - homemaker services.....HB 326
    - respite care for Alzheimer's victims, rulemaking authority.....HB 376
    - senior companion and foster grandparents programs, appropriation ....HB 338
  - congregate housing program .....HB 273
  - continuing care communities; regulation by insurance commissioner.....HB 571
  - Glenclyff home for
    - capital improvements appropriation .....HB 200am
    - staffing plan.....HB 677
    - sunset renewal.....HB 148
  - laws, study.....HB 422
  - polling places and voting booths, easy access .....HB 698
  - tax exemptions, expanded, permissible assets increased.....SB 13
    - interest and dividends tax, additional .....SB 44
    - optional adjusted exemption; study.....HB 589
    - residency requirement.....HB 597
- Elected state and county officials**, financial disclosure, gifts exceeding \$100.SB 176
- Elections**
  - absentee ballots, counting before close of polls where voting machines
    - are used.....SB 62
  - ballots
    - domicile of candidate omitted .....SB 39
    - may be destroyed after 60 days .....HB 591
    - presidential primaries, name, town, and state of candidate listed ....HB 105am

**Elections (cont.)**

questions to be clear and concise, effect explained .....	SB 33
campaign financing, expenditures voluntarily limited, filing fee waived .....	SB 177
candidates	
alphabetical listing starting with randomly selected letters .....	HB 15am
financial disclosure, deadline extended .....	HB 48
financial disclosure from business association in excess of \$10,000 .....	SB 176
nominated by write in, fiscal agent named before making campaign	
expenditures .....	HB 19am
checklists	
fees for copies based on actual costs between \$5 and \$25. ....	HB 701
session for correcting before presidential primary, before election of	
town officers, and in June .....	SB 138am
cities and ward officers, vacancy, same day as biennial election .....	SB 92
dates for various actions changed. ....	SB 139
party conventions, US senator as member, conditions .....	HB 522
political contributions from state employees, soliciting permitted .....	SB 101
polling places	
and voting booths, easy access to handicapped and elderly. ....	HB 698
distributing campaign materials, prohibitions .....	SB 83
primaries	
independent may change back to independent after voting. ....	HB 18
parties may allow non-members to vote. ....	SB 137
presidential preference, "vote for none of the above" on ballot. ....	SB 137
town and school district officers, not same day as state general election . . .	HB 466
voter registration	
copy sent to town where applicant last voted if in New England. ....	HB 204
high school students at school .....	SB 68
zoning boards of adjustment, local option .....	SB 111

**Electric power**

plants, wood harvesting associated with, regulation and supervision,	
study. ....	HB 670am
small producers and cogenerators	
payments in lieu of taxes apportioned between town and school district . .	HB 668
purchase rate stabilized to encourage development. ....	SB 227
excess capacity, costs excluded from rate base .....	HB 708
rate increases limited .....	SB 89
Seabrook nuclear plant, sale, economic impact study .....	SB 189
submetering in campgrounds. ....	HB 599
<b>Electrical energy needs, long range, study .....</b>	<b>SB 153am</b>
<b>Electricians' board, sunset renewal .....</b>	<b>HB 115</b>
<b>Electrologists' board, sunset renewal .....</b>	<b>HB 166</b>
<b>Electronic communication defined to include non-aural transmission .....</b>	<b>SB 239</b>
<b>Electronic fund transfer fees to banks based on services. ....</b>	<b>SB 116</b>
<b>Embalmers. See: Funeral directors and embalmers</b>	
<b>Emergency management act replacing civil defense .....</b>	<b>HB 37</b>
<b>Eminent domain</b>	
bureau renamed transportation and construction bureau. ....	HB 725
use for nuclear power plants prohibited. ....	HB 195

**Employees**

- claims, higher priority in chapter 11 bankruptcy proceedings, federal  
legislation requested. ....HCR 7
- wages, business closings, officers personally liable. ....SB 117

**Employment**

- conference on incentives for employers to operate day care facilities  
for employees .....HB 284
- incentives, single parent AFDC recipients .....HB 370
- security, sunset renewal; appellate procedures .....HB 165am

**Enclosed public places**, restaurants included for non-smoking areas .....SB 15

**Endangered plants**, rules to list .....SB 172

**Energy**

- conservation code, new public buildings. ....HB 100  
HB 200
- electric utility rate increases limited .....SB 89
- needs, electrical, long-range, study .....SB 153
- overcharge funds, federal, same requirements as federal block grants .....SB 148

**Engineers**

- architects, and land surveyors joint board, sunset renewal .....HB 168
- reports of construction safety violations to fire marshal .....HB 528

**Enterprise zones**, need for, study .....SB 102

**Environmental court**, Manchester district court, established by supreme  
court rule .....SB 85

**Environmental risk insurance fund**, study .....SB 134

**Environmental services**

- administrative fines for septic system violations .....HB 336am
- department, councils, rules governing administrative appeals .....HB 225am

**Epsom meeting legalized** .....SB 64am

**Equine event changed** to livestock event; cattle and oxen added. ....HB 655

**Estheticians licensed by barbering**, cosmetology, and esthetics board .....SB 224

**Ethics code**, real estate commission .....HB 124am

**Evidence**, criminal proceedings, use immunity .....SB 108

**Excavating**

- granite, local regulation .....SB 96
- major projects in great ponds approved by wetlands board and governor  
and council .....HB 184
- permit required for agent of governmental unit constructing highways .....SB 160

**Executive branch**

- administrative rules may be disapproved by general court .....CACR 21
- reorganization statute repealed .....SB 93

**Executors and administrators**, sureties waived for estates under  
\$25,000; bonds waived for administrator sole heir .....HB 40

**Explosives**

- storage, confidentiality of information. ....SB 87
- unlawful use, exception rule an affirmative defense. ....HB 454

**Extension Homemakers Group introduced**. ....982

**F**

**Falconry permits** .....HB 73

**Families with developmentally disabled children**, support service  
task force .....HB 699

**Family life education**, teacher training program .....HB 373am



<b>Farm plates, vehicles under 18,000 pounds</b> .....	HB 686
<b>Farm products, security interest, registration with secretary of state,</b> central indexing system .....	HB 679
<b>Federal funds</b>	
energy overcharges, same requirements as federal block grants .....	SB 148
Wallop-Breaux, boat launching sites .....	HB 255
<b>Felons, prohibition on possession of dangerous weapons extended to those</b> convicted of federal felonies or out of state drug connected felonies ...	SB 109
<b>Fetus</b>	
human life begins at conception .....	SB 25
protected from pain caused by abortion .....	SR 3
<b>Financial disclosure</b>	
appointed officials .....	SB 190
candidates receiving over \$10,000 from business association, elected officials receiving over \$100 as gifts .....	SB 176
elected officials, deadline extended .....	HB 48
<b>Fines, imprisonment for nonpayment, amount credited per day increased</b> ...	HB 605
<b>Fire control advisory board, administratively attached to safety</b> department .....	HB 526
<b>Fire laws, study</b> .....	HB 244
<b>Fire marshal</b>	
authority to issue citations for violations .....	SB 106
reports of construction safety violations .....	HB 528am
<b>Fire standards and training</b>	
commission	
employee with 5 years creditable service as group II member of retirement system, membership retained .....	HB 292am
sunset renewal .....	HB 130
council	
administratively attached to postsecondary vocational technical education .....	SB 216
postsecondary vocational technical education department .....	HB 573
<b>Firearms</b>	
possession by those convicted of federal felonies or out of state drug connected felonies prohibited .....	SB 109
unloaded, license to carry in OHRV or towed trailer .....	SB 194
<b>Firefighters, cancer, occupationally related, prima facie presumption</b> ...	HB 671am
<b>Firemen's retirement system, disability retirement, survivor benefits</b> .....	HB 624
<b>Fireworks</b>	
licenses, permits, penalties .....	HB 562
unlawful use, exception rule an affirmative defense .....	HB 454
<b>First Church (Congregational), Jaffrey, charter revived</b> .....	HB 500
<b>First Congregational Church of Salem, charter revived</b> .....	SB 73
<b>Fiscal committee, membership increased, 2 senators added; replacing</b> advisory budget control committee .....	SB 34am
<b>Fiscal impact</b>	
notes, sources of information .....	HB 71
statement, requirements clarified; form developed by legislative budget assistant .....	SB 171
<b>Fish and game</b>	
capital improvements appropriation .....	HB 200am

**Fish and game (cont.)**

- commemorative rifle or shotgun lottery, lapse date extended; contract  
to manufacture. ....SB 27am
- deer. See: Deer
- department
  - 57 acres of Rye Harbor state park for wildlife management  
transferred from DRED .....HB 724
  - administration and support, sunset renewal; biennial report to  
general court .....HB 142am
  - claims against available federal funds submitted to comptroller .....HB 300
  - equipment appropriation .....HB 300
  - law enforcement, sunset renewal; divisions and operations, study. ....HB 143am
  - transferred to natural resources. ....HB 570
- executive director
  - appointment by fish and game commission .....SB 132
  - deer and bear hunting seasons and manner of taking. ....HB 61
  - falconry permits .....HB 73
  - fund, estimate of unrestricted revenue. ....HB 300
- hunting
  - prohibitions; possession of deer and moose meat .....HB 22
  - shooting human being, negligently substituted for carelessly; license  
revoked. ....HB 95
  - interference with hunters, trappers, and fishermen prohibited; damages ...HB 54
  - licenses, nonresident paraplegics, good for lifetime .....HB 47
  - nets and weirs, use regulated on Lamprey River .....HB 503am
  - regional offices, 1986 capital improvements appropriation changed .....HB 200
  - trappers, injury to unlicensed dog, not liable; report of catch to include  
domestic animals .....SB 19
  - trout, fly fishing on Clarksville Pond, 2 fish bag limit removed .....HB 208
  - volunteers, defense and indemnification. ....HB 60
- Flags, POW-MIA flag displayed over state house .....HB 78
- Flanders, John T., retirement, res honoring. ....1953
- Flood damage, expression of gratitude to agencies helping to alleviate .....826
- Food**
  - and nutrition program, sunset renewal .....HB 155
  - stamps, meals purchased with, exempt from tax .....HB 362
- Foreign corporations**, application for certificate of authority .....HB 446
- Foreign trade zone**, management fees collected by port authority .....HB 303
- Forests and lands division**, DRED, transferred to natural resources .....HB 510
- Foster families** .....HB 355am
- Foster grandparents program**, appropriation .....HB 338
- Foster homes**, compensation increased, reviewed annually. ....HB 293am
- Foster parents**
  - homosexuals prohibited .....SB 26am
  - ombudsman council .....SB 168
- HB 479am
- Foundation aid**
  - formula effectiveness criteria study .....SB 91am
  - schools, excess sweepstakes funds carried forward, shortfalls charged  
against general fund. ....HB 325am

**Franchises**

- gasoline, definitions.....SB 159am
- taxes, public utilities, declaration of estimated tax filed .....HB 363

**Franklin****-Laconia**

- bypass; bridge between routes 3-A and 127; appropriation .....SB 10
- connector, construction appropriation .....SB 20
- connector, land acquisition deadline; appropriation .....HB 354
- optional fiscal year budget adopted; bonds authorized .....HB 663

**Fraudulent conveyances, uniform act replaced by uniform fraudulent**

- transfer act.....SB 71

**Freedom fighters against communist tyranny, support pledged .....SJR 1****Fund raising counsel, charitable solicitations, regulation by attorney**

- general.....HB 474

**Funeral****directors and embalmers board**

- inspections, fees; rules for unlicensed personnel .....HB 633am
- sunset renewal; disciplinary action, oaths, penalty .....HB 116am
- expenses, indigents, appropriation.....SB 215

**G****Gambling**

- bingo license eligibility; lucky 7 licenses valid for only one location .....HB 540
- lucky 7 tickets sold by dispenser devices .....HB 555am

**Gas utilities, termination, notification .....HB 599****Gasoline franchises, definitions .....SB 159am****General court**

- biennial sessions .....CACR 12
- bills and resolutions. See: Bills and resolutions
- disapproval of rules.....CACR 21
- employees, salaries increased.....HB 10
- lobbyists prohibited from occupying certain areas of the state house .....SB 126
- senate, membership 36; 4 year term .....CACR 20

**General fund, estimate of unrestricted revenue .....HB 300****Glenclyff home for the elderly**

- capital improvements appropriation .....HB 200am
- staffing plan .....HB 677
- sunset renewal .....HB 148

**Governor**

- 4 year term.....CACR 2
- CACR 11

**and council**

- approval of major projects in great ponds approved by wetlands board ...HB 184
- authority to secure federal funds for capital improvements; transfers ...HB 100
- HB 200

**office of emergency management .....HB 37****veto overridden, nets and weirs, use regulated on Lamprey river .....HB 503am****veto**

- district courts, fines for violating municipal ordinances returned to municipality.....HB 458
- mental health insurance coverage, minimum adjusted by insurance commissioner .....SB 183

**Governor (cont.)**

- public meetings and records, accessibility increased .....HB 727
- retirement system, group II, membership retained after employment
  - changed to police or fire standards and training.....HB 292am
- Rye Harbor state park, land transferred to fish and game for
  - wildlife management .....HB 724
- wastewater treatment systems, state policy for funding .....HB 250
- weapons, possession by felons prohibited, law expanded .....SB 109
- Grandparents**, foster program, appropriation .....HB 338
- Grange**, list of tax exempt property filed with tax and land appeals board ...HB 295
- Granite quarry excavations**, local regulation. ....SB 96
- Grasmere county facility renovations** for use as prison for women,
  - capital improvements appropriation .....HB 200am
- Graton Associates (Ashland)**, recognized as craftsmen on restoration
  - of covered bridges .....HB 83am
- Gravestones**, unlawful possession, penalty. ....HB 456
- Greyhound racing**, pari-mutuel pools, tax credit continued, limit raised ....HB 299
- Grieco, R.S.**, access to Route 111 in Derry .....HB 440am
- Groundwater mapping program**, water resources division, 1985
  - appropriation changed, non-lapsing. ....HB 200am
- Growth management and resource protection**, technical assistance from
  - office of state planning .....HB 192am
- laws recodified .....HB 104am
- Guardians**
  - ad litem, compensation fund. ....HB 650
  - and conservators, court costs and fees, payment by state. ....HB 659
  - minors, extension of court's jurisdiction; confidentiality .....HB 213am
- Guilty but mentally ill**, sentencing .....SB 32

**H**

- Habitual offenders**, motor vehicle laws, redefined; penalties; annulment;
  - appeals within 30 days. ....HB 402
- Halfway houses**, registration to no set standards repealed .....HB 23
- Hampton beach**
  - seawall
    - bath house, and seashell, bonds amortized from parking meter fees ....HB 50am
    - replaced; bonds retired in part from parking fees .....SB 11
  - state park, visitor services facility, solicitation of bids. ....HB 200am
- Hampton harbor**, marine repairs and dredging, appropriation increased ..SB 125am
- Handicapped**, See also Developmentally disabled
  - architectural barrier free design, new public buildings .....HB 100
  - HB 200
  - children, special education, court ordered placement, liability for expenses .HB 318
  - polling places and voting booths, easy access .....HB 698
  - veterans, homestead exemption, disabilities expanded .....HB 232
  - walking disabled, organizations serving, special number plates .....SB 206
- Hardy, Harold E.**, res on 100th birthday .....529
- Haverhill meeting legalized** .....HB 228am
- Hazardous materials**
  - transportation, civil penalties, distribution .....SB 67
  - transporter licenses, expiration Jan. 1. ....SB 106
  - urea-formaldehyde prohibited in new housing .....HB 67

## Hazardous waste

57 acres of Rye Harbor state park, state exempt from liability . . . . . **HB 724**  
laboratories testing, certification. . . . . **HB 575**

**Head injuries, study** .....HB 435

## Health

and human services

1985 capital improvements appropriation extended .....	HB 100
	HB 200am
assistance to foster parents ombudsman council .....	SB 168
capital improvements appropriation .....	HB 200
medical assistance programs transferred within the department .....	SB 234
mental health division, sunset renewal .....	HB 147
sunset renewal .....	HB 146
supplemental appropriation .....	SB 31
transfer of appropriations .....	HB 692am
transfers authorized in mental health division PAU .....	HB 508

care

facilities, certificate of need program repealed . . . . .	SB 98
facilities, payments in lieu of taxes . . . . .	SB 195
preferred providers, procedures for review and control of services and determining medical necessity . . . . .	HB 542
clubs, surety bonds; escrow of deposits; contract requirements . . . . .	SB 229
education consultant, education department . . . . .	HB 373am
hazards, residential, public health services investigations and recommendations upon request . . . . .	SB 196
home care providers, liens for services . . . . .	HB 515
insurance fund advisory council, duties . . . . .	HB 435am
maintenance organizations, home health care coverage . . . . .	HB 436
service corporations home health care coverage . . . . .	HB 436
nonprofit investments in life insurance companies limited to 10% of stock . . . . .	SB 54am

Heath, Sen. Roger C., expression of gratitude to agencies helping in

flood control effort .....826

**Hermit Lake, Sanbornton, motorboats, horsepower restricted . . . . .HB 420am**

**Herpes simplex type II, cases reported to public health services.....SB 30**

**Herpes simplex type II, cases reported to public health services.....SB 30**

High frontier defense system.....SR 4

**High frontier defense system.....SR 4**

High schools

## High schools

certificates of attendance in lieu of diploma when requirements not met . . . .	SB 49
driver education instructors, license examination agents . . . . .	SB 103
students, voter registration at school . . . . .	SB 68

**Higher education fund, excess receipts may be spent .....HB 300**

highway fund, estimate of unrestricted revenue ..... **HB 300**

Highway fund, estimate of unrestricted revenue .....HB 300

highways

## Highways

central NH turnpike, toll barrier south of Nashua, estimated completion

date delayed to 1994 .....SB 155am

construction and reconstruction

priority list based on legislative intent.....	<b>SB 156</b>
transportation department implementation of legislative directives, study ..	<b>SB 99</b>
eastern NH turnpike, installation of overhead lights at certain exits, appropriation .....	<b>SB 150</b>

**Highways (cont.)**

- Franklin-Laconia
  - bypass; bridge between routes 3-A and 127; appropriation .....SB 10
  - connector; appropriation.....SB 20
  - connector; land acquisition deadline; appropriation .....HB 354
- Holderness to Plymouth connecting route 175 with 3, designated
  - route 175-A.....SB 28
- I-93
  - exit 21, funds reserved.....HB 200am
  - new exit (Derry and Londonderry), transportation department
    - cooperation in design.....HB 200am
- interstate
  - information signs, national standards.....SB 209
  - toll rates exempt from rulemaking procedures .....HB 440am
- Keene bypass extension between routes 9 and 10, land acquisition,
  - engineering, and environmental studies, appropriation .....SB 128am
- Prescott Road, Raymond, reconstruction appropriation increased .....HB 260
- public utilities, assistance relocation .....SB 213
- rest areas, information services, fees .....HB 660
- rights of way, OHRV trails, study.....HB 196
- route 1, MA border to Portsmouth, reconstruction to increase capacity
  - and safety, feasibility study.....SB 75
- route 11, access by Minnie Collins and R.S. Grieco in Derry .....HB 440am
- routes 9 and 155 in Dover
  - construction of 4-way intersection, appropriation .....HB 200am
  - intersection improvements, appropriation.....SB 151
- safety
  - coordinator, sunset renewal.....HB 109
  - problems, biannual regional conference .....HB 582
  - subject to gates and bars, reopening, all expenses paid by petitioner.....HB 215
- turnpikes
  - one-way tolls, study.....SB 97
  - relocation of toll booths or widening access roads to relieve traffic
    - problems.....SB 157
  - restaurants, study.....HB 224
- Weeks traffic circle and access roads, Dover improvements appropriation...SB 187
- Hill meeting legalized.....HB 228am**
- Historical resources, state house, Portsmouth, feasibility study of**
  - restoring original building.....SB 180
- Holderness to Plymouth, highway connecting routes 175 and 3 designated**
  - route 175-A.....SB 28
- Holidays**
  - Martin Luther King day, fourth Monday in April .....SB 225
  - town meeting day .....SB 181
- Home health care**
  - insurance coverage.....HB 436
  - providers, liens for services .....HB 515
- Homelessness in NH, task force study.....HB 515**
- Homemaker services.....HB 326**
- Homosexuals**
  - adopting or being foster parents prohibited.....SB 26am
  - marriage prohibited .....SB 115



<b>Honeybees</b> , apiary inspection, appropriation, rulemaking, destruction of hives .....	HB 97am
<b>Horse races</b>	
simulcast, statutory provisions made permanent; breakage distribution changed .....	HB 304
unruly persons ejected from racetrack grounds .....	HB 248
<b>Hospital, NH</b>	
1985 capital improvements appropriation increased .....	HB 200am
capital improvements appropriation .....	HB 200
central psychiatric hospital, 1985 capital improvements appropriation increased .....	HB 100
children, confinement alternatives investigated, study repealed .....	SB 65
direct care employees, administration of certain medicines .....	HB 626
new psychiatric facility, staffing plan .....	HB 677
priorities for use designated .....	HB 201
sunset renewal .....	HB 150
Hospital service corporations, mental and nervous conditions, minimum coverage adjusted by insurance commissioner .....	SB 183
<b>Hospitals</b>	
abortions after viability performed in; attempt to save life of fetus .....	SB 127
certificate of need program repealed .....	SB 98
<b>Hotline for missing children in state police division</b> .....	HB 230
<b>Hough, Sen. Ralph D.</b> , elected temporary presiding officer .....	2
<b>Hounsell, Sen. Mark</b> , appointed assistant majority leader .....	10
<b>Houses of correction</b>	
counties, replaced by county departments of correction .....	HB 480
inmates medical care, insurance company to reimburse political subdivisions .....	HB 666
personnel in group II retirement system .....	HB 693
<b>Housing</b>	
affordable, urging congress to enact a National Housing Partnership Act ..	HCR 4
finance authority, sunset renewal .....	HB 172
growth and planning advisory committee, study .....	SB 143
low income, funding from real estate brokers interest bearing trust accounts .....	HB 532am
multi-family, municipalities may not exclude .....	SB 149
nonprofit community, payments in lieu of taxes .....	SB 195
<b>Human immunodeficiency virus</b> . See: AIDS	
<b>Human life begins at conception</b> .....	SB 25
<b>Human rights commission</b>	
discrimination, compensatory damage assessments .....	SB 9
sunset renewal .....	HB 141
<b>Human services</b>	
director, qualifications .....	HB 726
division	
AFDC, shelter allowance increased, appropriation .....	SB 81am
indigent recipients, funeral expenses; appropriation .....	SB 215
medical assistance, categorially needy, eligibility criteria .....	SB 184
medical assistance recipients in nursing homes, personal needs allowance increased .....	HB 607
single parent AFDC recipients, employment incentives .....	HB 370

**Human services (cont.)**

- standard of need increased for community living home and shared  
home residents. ....SB 142
- supplemental appropriation. ....SB 31

**Hunting.** See: Deer hunting; Fish and game, hunting

**I**

**Impersonation, police officer, misdemeanor.** ....SB 56

**Income tax, interest and dividends**

- declaration of estimated tax filed .....HB 363
- exemptions
  - additional for elderly. ....SB 44
  - municipal bonds from any state. ....SB 165
- phased out .....SB 45
- small businesses reporting stockholders receiving dividends .....HB 488

**Indigent**

- defendants
  - program, study .....HB 300
  - repayment, separate order, copy to administrative services .....HB 725
- health care, advisory council, study .....HB 435am

**Industrial and commercial development division, commerce department** .HB 470

**Industrial development**

- authority, delegation of powers to officials; security documents, when  
perfected. ....SB 72
- marketing, study .....SB 144
- office, agent for Sullivan and Cheshire counties .....SB 47

**Information services division, data processing, written agreements with**

- state agencies; expenditures authorized; accounts receivable .....HB 300

**Insane**

- criminally
  - acquitted, committal to secure psychiatric unit. ....HB 695
  - committal renewed, conditional discharge, court procedures. ....SB 32
- defense, burden of proof clear and convincing. ....HB 55

**Insolvency proceedings, employees wages, second priority.** ....HB 406

**Inspection warrants, administrative, fire departments** .....SB 21

**Insulation, urea-formaldehyde prohibited in new housing** .....HB 67

**Insurance**

- accident and health
  - coverage for alcoholism and drug dependency treatments mandatory .....SB 2
  - home health care coverage .....HB 436
  - mental and nervous conditions, minimum coverage adjusted by insurance  
commissioner .....SB 183
- commissioner; regulation of continuing care communities. ....HB 571
- companies
  - investment in stock of other insurance corporation, limitations .....HB 612am
  - life, health service corporations may hold only 10% of stock .....SB 54am
  - life, security deposit amount changed. ....HB 613
- credit, involuntary unemployment insurance .....HB 722
- department, securities regulation office administratively attached .....HB 296
- environmental risk fund, study. ....SB 134
- health care, preferred provider agreements, discrimination prohibited. ....HB 542

**Insurance (cont.)**

health fund advisory council, health care for indigents .....	HB 435am
liability	
declaratory judgment, remedy to determine coverage in US district court .....	HB 393am
minimum coverage for fixed base amusement rides reduced .....	SB 90
medical care of prisoners, state reimbursed .....	HB 666
<b>Interagency motorpool study extended .....</b>	<b>SB 105</b>
<b>International trade, NH businesses participating in, study .....</b>	<b>HB 470</b>
<b>Interstate compacts, juveniles charged as delinquents, rendition .....</b>	<b>HB 426</b>
<b>Investments</b>	
advisor, redefined .....	HB 550
public funds, study .....	HB 275
securities, article 8 of UCC, uniform amendments .....	SB 70

**J****Jaffrey**

First Church (Congregational) charter revived .....	HB 500
Peterborough district court, 2 districts combined .....	HB 579
<b>Jails, counties, replaced by county departments of corrections .....</b>	<b>HB 480</b>
<b>Janitorial service contractors exempt from pesticides registration .....</b>	<b>HB 88</b>

**Jet skis**

persons under 16 prohibited; speed limits .....	HB 437
prohibited on	
Marchs Pond and Chalk Pond (New Durham) and Pine River Pond (Wakefield) .....	HB 306am
Rust Pond, Wolfeboro .....	SB 38

**Johnson, William A.**

communication regarding absence from organizational meeting .....	2
sworn in .....	23

**Joint committee on implementation of reorganization, statute repealed ...**

SB 93

**Joint legislative committee on review of agencies and programs,**

sunset renewal .....	HB 101
----------------------	--------

**Joint rules .....**

HCR 10

**Judges**

6 year term, supreme court judges excepted .....	CACR 13
and judicial employees, salaries increased .....	HB 10
complaints against, heard by civil law review board .....	SB 59
masters, referees, and auditors commissioned by governor and council .....	SB 60
probate, salaries and sessions increased .....	HB 345
right to hearing before; authority of non-commissioned court-appointed judicial officers .....	SB 61

**Judicial branch**

Carroll county and Nashua court house, capital improvements appropriation .....	HB 200
employees, salaries, personnel system task force study .....	SB 145

**Jury trial, civil cases, amount in controversy exceeding \$1,500 .....**

CACR 4am

**Justice department**

medicaid fraud control unit .....	HB 547
victim/witness assistance office, appropriation .....	HB 288

**Juveniles**

- charged as delinquents, rendition under interstate compact .....HB 426
- services .....HB 355am

**K**

- Keene bypass extension** between routes 9 and 10, land acquisition,  
engineering, and environmental studies; appropriation .....SB 128am
- Kona Wildlife Area** (Moultonborough), state park, study .....HB 493

**L**

**Labor**

- commissioner, rulemaking authority over health and safety in the  
workplace extended .....HB 442
- conference on incentives for employers to operate day care facilities  
for employees .....HB 284
- employees wages
  - business closings, officers personally liable .....SB 117
  - second priority in insolvency proceedings .....HB 406
- late payment of benefit funds by subcontractors, notification .....HB 227am
- whistleblowers' protection act .....HB 465
- Laboratories testing hazardous waste**, certification .....HB 575

**Laconia**

- state school
  - shoreline property on Lake Winnisquam, permanent retention by state ..HB 249
  - sunset renewal .....HB 149
- vocational technical college, capital improvements appropriation .....HB 200

**Lake Pemigewasset, New Hampton and Meredith, boating study by**

- safety services .....HB 420am

**Lake Wicwas, Meredith, motorboats, horsepower restricted .....HB 65**

**Lake Winnisquam shoreline property of Laconia state school, permanent  
retention by state .....HB 249**

**Lakes Region Association, participation in retirement system .....SB 178am**

**Lakewood Beach Assn., charter reinstated .....HB 66am**

**Lamprey River, nets and weirs, use regulated .....HB 503am**

**Lancaster meeting legalized .....SB 64am**

**Land**

- conservation investment program .....SB 1
- growth management restrictions, taxed as open space .....SB 204
- open space
  - assessment based on soil potential index .....HB 714am
  - current use assessment, study .....SB 186am
- preservation, specified tracts retained by the state; list updated
  - annually .....HB 379am
- surveyors, engineers, and architects joint board, sunset renewal .....HB 168
- use
  - boards, appeals of decisions, evidence based on specific written reasons  
for disapprovals .....SB 53
  - controls, innovative, inclusionary zoning, density bonuses, and linkage  
standards .....SB 129
  - controls, multi-family housing may not be excluded .....SB 149
  - injunction for violation of local ordinances .....HB 403

**Landlord and tenant**

actions, district court venue where real property is located . . . . .	HB 190
condominium conversions delayed 3 months after rent increase . . . . .	HB 479
manufactured housing parks, notice to tenants before sale . . . . .	HB 294am
rent default, wage attachment; eviction stay reduced . . . . .	SB 17

**Law enforcement officers**

disobeying, driver giving false information or refusing to give information . .	SB 228
impersonation, misdemeanor . . . . .	SB 56

**Laws, publication and distribution, study . . . . .** HB 180**Lead paint poisoning prevention, superior court jurisdiction to enforce**

abatement; children not allowed to be present during abatement . . . .	HB 339
--	--------

**League of NH Craftsmen Foundation, participation in retirement**

system . . . . .	SB 178am
------------------	----------

**Leases, uniform commercial code . . . . .** SB 208**Lebanon airport**

1985 appropriations extended . . . . .	HB 200am
1985 capital improvements appropriation extended . . . . .	HB 100am

**Legal services corporations purposes expanded . . . . .** SB 113**Legislative budget assistant**

access to confidential information from state agencies . . . . .	SB 94
audit and budget divisions duties . . . . .	SB 34am
	SB 192am
fiscal impact notes, sources of information . . . . .	HB 71

**Legislative employees, salaries increased . . . . .** HB 10**Legislative fiscal committee**

membership to include speaker of house and senate president . . . . .	SB 192am
Veterans Resource/Counseling Center appropriation . . . . .	SB 82

**Legislative office building**

capital improvements appropriation . . . . .	HB 200am
press identification badges required . . . . .	SB 119
restoration and repair, appropriation . . . . .	SB 180am

**Legislative performance audit and oversight committee . . . . .** SB 34am**Legislative program review office, duties, definitions, schedules . . . . .** HB 101am**Legislative review of state agencies and programs repealed . . . . .** SB 34am  
SB 166**Legislative services office**

administrative procedures division, sunset renewal; rulemaking	
procedures and limitations . . . . .	HB 103am
sunset renewal; assistance to committees, limitations . . . . .	HB 102am

**Libraries**

areas to coincide with local automated systems . . . . .	HB 89am
depository, rules for retention schedules . . . . .	HB 28
trustees, odd number of members, 3 year staggered terms . . . . .	HB 11am

**Licenses**

auctioneers . . . . .	HB 703am
bingo . . . . .	HB 540
chiropractors, 2 classes; qualifications . . . . .	SB 163
estheticians . . . . .	SB 224
hunting and fishing. See: Fish and Game	
oil transporters . . . . .	HB 561
physical therapists . . . . .	HB 623
physicians, conditional on reasonable medicaid and medicare charges . . . .	SB 191

# SUBJECT INDEX

1983

<b>Licensing boards fees to cover full costs or 125% of direct costs.</b>	<b>HB 590</b>
<b>Liens</b>	
business profits tax, continued without annual renewal	HB 328
for services, home health care providers	HB 515
tax, to replace tax sales; local option.	HB 554am
<b>Life care communities, regulated by insurance commissioner</b>	<b>HB 571</b>
<b>Life safety code, new public buildings</b>	<b>HB 100</b>
	<b>HB 200</b>
<b>Limitation of actions</b>	
damages from construction, deficiencies in engineering, surveying, inspection, materials and labor included, 6 years after completion	SB 50am
nuclear incidents.	HB 405
person building trails, bridges, or structures with permission of landowner, liability limited	HB 258am
personal injury, damages for noneconomic loss, flexible limit	SB 135
volunteers for charitable organizations or governmental entities, liability limited.	SB 120
<b>Limitation of prosecution, sexual assault, notification within     6 months repealed.</b>	<b>SB 158</b>
<b>Lions Club members, special vanity plates</b>	<b>SB 198</b>
<b>Liquor commission</b>	
1985 capital improvements appropriation extended	HB 200am
computer system enhancements, 1985 capital improvements appropriation extended	HB 100am
merchandising, sunset renewal	HB 133
office of commissioner/administration, sunset renewal	HB 131
office of commissioner/regulation, sunset renewal	HB 132
warehouse, sunset renewal	HB 134
<b>Littering near water prohibited.</b>	<b>SB 27am</b>
<b>Littleton federal district court house</b>	
1985 appropriation extended	HB 100am
1986 capital improvements appropriation extended	HB 200am
<b>Livestock events, cattle and oxen tested for drugs; penalties.</b>	<b>HB 655</b>
<b>Lobbyists prohibited from occupying certain areas of the State House.</b>	<b>SB 126</b>
<b>Lochmere, underground storage leaks, cleanup assistance priority.</b>	<b>SB 211am</b>
<b>Londonderry</b>	
state liquor store, appropriation	HB 91
taxes, fiscal year, prepaid tax accounting.	HB 407
<b>Long, Sarah Mildred, bridge, Portsmouth to Kittery</b>	<b>SB 141am</b>
<b>Low income housing, funding from interest bearing trust accounts     established by real estate brokers.</b>	<b>HB 532am</b>
<b>Lucky 7</b>	
licenses valid for only one location.	HB 540
tickets sold by dispenser devices	HB 555am

## M

<b>McAuliffe, Christa</b>	
memorial fund.	HB 300
planetarium established in memory of, appropriation	HB 238
<b>McLane, Sen. Susan, appointed assistant majority whip</b>	<b>10</b>
<b>Madbury, deer hunting, method of taking limited.</b>	<b>HB 38</b>



<b>Madison-Eidelweiss negotiations, mediator reimbursed</b> .....	SB 95
<b>Maine</b>	
income tax imposed on NH residents, attorney general to challenge	SB 121am
-NH interstate bridge authority, sunset renewal .....	HB 169
<b>Majority leader</b>	
assistant, Sen. Mark Hounsell appointed. ....	10
Sen. Edward C. Dupont appointed .....	10
<b>Majority whip</b>	
assistant, Sen. Susan McLane appointed. ....	10
Sen. Sheila Roberge appointed .....	10
<b>Manchester</b>	
airport, 1985	
appropriations extended .....	HB 200am
capital improvements appropriation extended .....	HB 100am
district court, special environmental court established by supreme court rule .....	SB 85
housing authority, model congregate services program .....	HB 273
vocational technical college, capital improvements appropriation .....	HB 200am
<b>Manufactured housing</b>	
located in most areas permitting residential uses .....	SB 231
new, urea-formaldehyde prohibited .....	HB 67
parks, notice to tenants before sale .....	HB 294am
<b>Marchs Pond (New Durham), motor boats, horsepower restricted, exception; jet skis prohibited .....</b>	
	HB 306am
<b>Marine services transferred to</b>	
commerce department. ....	HB 470
port authority .....	HB 570
<b>Marriage, degrees prohibited changed; homosexual marriage prohibited; waivers for age and time prohibited for non-residents; proxy marriages prohibited. ....</b>	
	SB 115
<b>Martin Luther King holiday, fourth Monday in April .....</b>	SB 225
<b>Martineau, Emil</b>	
elected doorkeeper .....	26-27
record corrected as to residence .....	38
<b>Master plans updated every 5 years .....</b>	HB 231
<b>Masters, court appointed</b>	
authority; right to hearing before a judge .....	SB 61
commissioned by governor and council .....	SB 60
<b>Maternal and child health services, rulemaking by public health services</b> ..	HB 45
<b>Mayo Electronic Components, Inc. charter reinstated. ....</b>	SB 193am
<b>Meals and rooms tax</b>	
meals purchased with food stamps exempt, returns filed even if no tax due .....	HB 362
return postmarked by fifteenth of month .....	SB 221
<b>Medicaid facilities, patient abuse, penalty increased; kickbacks, bribes, or rebates prohibited .....</b>	
	HB 547
<b>Medical assistance</b>	
categorically needy, eligibility criteria .....	SB 184
programs, transferred within health and human services department .....	SB 234
recipients in nursing homes, personal needs allowance increased .....	HB 607

**Medical examiner**

- associate chief and acting chief, appointment; disposal of unidentified remains .....SB 236
- capital improvements appropriations .....HB 200
- chief, salary increased; medical records; disposal of remains .....HB 725

**Medical grants**, adjustment to budget source of funds .....HB 508am

**Medical/optometric/veterinary education program**, sunset renewal .....HB 177

**Medical service corporations**, mental and nervous conditions, minimum coverage adjusted by insurance commissioner.....SB 183

**Medicine**, board of registration, sunset renewal .....HB 117

**Melvin Village community church**, Taftonboro, 150th anniversary commemorated .....SCR 1

**Mental health**

- and development services
  - new central psychiatric facility, staffing plan .....HB 677
  - office of reimbursements, monthly requirement for certain reports
    - deleted .....SB 66
  - programs, direct care employees, administration of certain medicines ...HB 626
  - respite care, appropriation .....HB 357am

- division
  - PAU transfers authorized .....HB 508
  - sunset renewal.....HB 147

- facilities, central psychiatric hospital, 1985 capital improvements
  - appropriation increased. ....HB 100
  - HB 200

insurance coverage minimum, adjusted by insurance commissioner .....SB 183

practitioners licensing boards for four levels .....SB 170

- services
  - and utilization, task force continued .....HB 277
  - system, involuntary treatment, task force to study .....HB 692

**Meredith Centre**, underground storage leaks, cleanup assistance priority .....SB 211am

**Merrimack River flood control commission**, sunset renewal.....HB 170

**Merrimack Valley Enterprises, Inc.**, charter reinstated .....SB 193am

**Mining**, granite quarry excavations, local regulations.....SB 96

**Minority leader**, Sen. Robert Preston appointed .....10

**Minors**

- abortions, parental consent required .....SB 124
- day care centers, operation by homosexual prohibited .....SB 26am
- guardians

- ad litem, fees and court costs, payment by state .....HB 659
  - extension of court's jurisdiction; confidentiality.....HB 213

surgery, parental consent required, exceptions .....SB 22

**Missing children**, hotline in state police division .....HB 230

**Missing in action**-prisoner of war flag displayed over state house .....HB 78

**Mobile home parks**. See: Manufactured housing parks

**Model congregate services program**, Manchester housing authority .....HB 273

**Modeling pageants**, regulated, licensed, and bonded.....HB 658

**Monier, Robert B.**, former senate president, res on death .....24-26

**Moorings**

- boats on certain lakes, permits; rules .....HB 586am
- permits, port authority .....HB 303

<b>Moose</b> , gifts labeled with date and donor .....	HB 22
<b>Mortgages</b>	
nondepository 1st home loans, lenders licensed by bank commissioner;	
2nd mortgage defined .....	HB 723
recording fees clarified .....	HB 556
<b>Motor carriers</b> , intrastate commerce, rates to be just and reasonable ...	HB 440am
<b>Motor vehicle road toll fees consolidated</b> ; collection date changed;	
distributors bond, diplomatic and consular personnel, refunds .....	HB 383
<b>Motor vehicles</b>	
autocycles, licensing, registration, and safety requirements .....	SB 188
certificates of origin, duplicate; non-resident joint owner; dealers' bonds ...	HB 492
disobeying a police officer; driver giving false information or refusing to	
give information .....	SB 228
division, sunset renewal .....	HB 138
driver education, grants increased; appropriation .....	HB 216am
DWI, multiple offenders, 7 day residential treatment program .....	SB 219
fines, unrestricted general fund. ....	HB 300
habitual offenders redefined; penalties; annulment; appeals within	
30 days .....	HB 402
license, driver education instructors, licensed examination agents;	
duration of examination .....	SB 103
new, defects, disclosure responsibility of manufacturer and dealer .....	SB 173
number plates	
boats being repaired .....	HB 509
farm plates for vehicles under 18,000 pounds. ....	HB 686
only one displayed .....	SB 179
special for Lions Club members .....	SB 198
special for organizations serving walking disabled persons .....	SB 206
special for Purple Heart recipients .....	HB 462
operators license, driver education instructors, examination agents .....	SB 103
permits denied if parking fines unpaid .....	HB 682
reflectORIZED plate inventory fund, lapse to highway fund .....	HB 300
registration	
and number plates, certain fees increased .....	HB 640
by minors; special permits; equipment requirements .....	HB 641
removal from surface waters .....	HB 220
seat belts required for children under 5, exception for vehicles manufactured	
without seat belts removed. ....	HB 439
speed limit	
55 miles per hour .....	SB 146
65 miles per hour on interstate and 4 lane divided highways .....	SB 80
state agencies	
emergency replacements, 1985 appropriation increased .....	HB 269
emergency replacements, special fund .....	HB 300
motorpool study extended .....	SB 105
trucks, double trailers, access to terminals and facilities for food, fuel,	
repairs, and rest .....	HB 293am
	SB 84
<b>Moultonborough Academy basketball team</b> , class S state champions,	
res commending .....	.896

**Mt. Sunapee state park**

1985 capital improvements appropriation extended .....HB 100  
operated by NH ski area commission .....SB 162

**Mt. Washington, Tip Top House, 1983 restoration appropriation increased** ..HB 79

**Multiple DWI offender intervention detention center** .....SB 219

**Municipal courts**

finances for violating municipal ordinances returned to municipality after  
expenses.....HB 458

Pelham, abolished, special justice to continue with Nashua district court  
holding sessions in Pelham .....HB 584

**Municipal legislation defined** .....HB 416

**Mutual holding companies, directors' shares as special class of stock**  
deleted .....HB 418am

**N**

**Nansen ski jump, rehabilitation appropriation; DRED to seek private**  
operation .....HB 309

**Nashua**

court house  
1985 capital improvements appropriation extended .....HB 100am  
HB 200am

capital improvements appropriation .....HB 200

River (Nashua), second bridge, appropriation .....SB 154

sealer of weights and measures reinstated.....SB 230

toll barrier north of MA state line, estimated completion date delayed  
to 1994.....SB 155am

vocational technical college, capital improvements appropriation .....HB 200am

**National guard**

reductions in rank in accordance with Uniform Code of Military Justice;  
contracts with counties for keeping military prisoners; discrimination HB 609  
uniform allowance, newly commissioned second lieutenants and warrant  
officers .....HB 30

**National Housing Partnership Act, congress urged to adopt** .....HCR 4

**Native plant protection act** .....SB 172

**Natural resources department** .....HB 570

**Negligence, presumption in nuclear incidents** .....HB 405

**New England interstate water pollution control commission, sunset renewal;**  
members to include public health services director and  
commissioner of environmental services .....HB 171

**NH**

Bar Association, membership optional .....SB 18

bicentennial commission on the US Constitution, appropriation.....HB 26

businesses participating in international trade, commission to study.....HB 470

Charitable Fund, administration of trust fund for the prevention of child  
abuse and neglect; appropriation .....SB 130

Congregational-Christian Conference, housing for the elderly, financial  
statement filed with tax and land appeals board .....HB 295

Education Association participation in retirement system group I .....SB 178

Municipal Association, participation in retirement system .....SB 178am

ski area commission, Cannon Mountain and Mount Sunapee .....SB 162

State Employee Association and Federal Credit Union participation in  
retirement system.....SB 178am

**NH (cont.)**

Yankee Nuclear Plant, map presented by Sen. Preston showing 1 mile evacuation zone .....	95-96
<b>New London-Springfield</b> water system precinct meeting legalized .....	<b>SB 64</b>
<b>News media</b> , identification badges required in state house and LOB .....	<b>SB 119</b>
<b>Newspapers</b> , 1 or 2 to each senator .....	<b>14</b>
<b>Noise pollution ordinances</b> , shooting ranges exempt .....	<b>HB 229</b>
<b>Nonprofit community housing and healthcare facilities</b> , payments in lieu of taxes .....	<b>SB 195</b>
<b>North Conway water precinct waste treatment facilities</b> .....	<b>HB 730</b>
<b>Northwood water district</b> , underground storage leaks, cleanup assistance priority .....	<b>SB 211am</b>
<b>Nuclear</b>	
accidents, urging congress to amend Price-Anderson Act for full liability coverage .....	<b>HCR 3</b>
emergency response plan, adequacy determined by local government .....	<b>SB 37</b>
incidents, presumption of negligence, liability, punitive damages .....	<b>HB 405</b>
material, high level, transportation, production, burial, and storage prohibited .....	<b>HB 568</b>
power plant, use of eminent domain to take private property prohibited .....	<b>HB 195</b>
waste technical review council, membership same as resources and development council .....	<b>HB 104am</b>
<b>Nuisances</b> , shooting ranges exempt from noise pollution complaints .....	<b>HB 229</b>
<b>Nurses registration board</b> , sunset renewal; transferred to public health services; fees to cover 125% of expenses .....	<b>HB 156am</b>
<b>Nursing</b>	
education; loan amounts increased .....	<b>HB 658</b>
homes	
medical assistance recipients, personal needs allowance increased .....	<b>HB 607</b>
public assistance reimbursement by counties reduced to 50% of nonfederal share .....	<b>HB 217</b>
scholarship program, sunset renewal; recipient requirements; leveraged incentive grants .....	<b>HB 173am</b>
<b>Nutfield Heights, Inc.</b> , financial statement filed with tax and land appeals board .....	<b>HB 295</b>

**O**

<b>Occupational regulation division</b> , state department .....	<b>HB 590am</b>
<b>Off highway recreational vehicles</b>	
bureau, DRED, sunset renewal; rules for obtaining and distributing grant-in-aid funds; impact study; police officers .....	<b>HB 144am</b>
fees increased; portion to purchase trail groomers .....	<b>HB 600</b>
private land, written permission of owners .....	<b>HB 565</b>
trails along state highways, study .....	<b>HB 196</b>
<b>Oil pollution control</b> , water contamination, provision of interim supplies; strict liability; license required for oil transporters .....	<b>HB 561</b>
<b>Old Man of the Mountain</b> , caretaker, honorary appointment .....	<b>SB 29</b>
<b>Ombudsman</b>	
council, foster parents .....	<b>HB 479am</b>
foster parents ombudsman council .....	<b>SB 168</b>
<b>Open space land</b> , assessment based on soil potential index .....	<b>HB 714am</b>
<b>Operating budget</b> , general sections .....	<b>HB 300</b>



<b>Ophthalmic treatment for newborns over objections of parents</b> .....	<b>HB 45</b>
<b>Optometric/veterinary/medical education program, sunset renewal</b> .....	<b>HB 177</b>
<b>Optometry board, sunset renewal</b> .....	<b>HB 118</b>
<b>Outdoor advertising information service at rest areas; business directional signs</b> .....	<b>HB 660</b>
<b>Ozone layer depletion, initiatives to solve problems supported</b> .....	<b>HCR 5</b>

## P

### Parental rights

minor's abortion, consent required .....	<b>SB 124</b>
termination, waiver of social study requirement .....	<b>HB 213am</b>

### Parents, adoptive, relationship terminated, procedure, grounds; custody

reverted to state .....	<b>SB 169</b>
-------------------------	---------------

### Pari-mutuel

#### pools

agricultural distribution deleted .....	<b>HB 679</b>
dog racing, tax credits continued, limit raised .....	<b>HB 299</b>
simulcast racing, breakage distribution changed .....	<b>HB 304</b>
tax, sire stakes fund, repealed .....	<b>HB 175am</b>

### Parks

and forests department, name changed from DRED .....	<b>HB 470</b>
and recreation division	

DRED, transferred to natural resources .....	<b>HB 570</b>
--	---------------

#### Hampton Beach state park visitor services facility, solicitation of

bids .....	<b>HB 200am</b>
------------	-----------------

division, use of excess revenue for operation of division .....	<b>HB 300</b>
---	---------------

#### state

Kona Wildlife Area (Moultonborough), study .....	<b>HB 493</b>
--	---------------

negotiations for land on Connecticut River in W. Lebanon .....	<b>SB 63am</b>
--	----------------

ski operations, study .....	<b>HB 309am</b>
-----------------------------	-----------------

### Parole board, revocation hearings, subpoena powers and administering

oaths .....	<b>HB 425</b>
-------------	---------------

### Partnerships

#### limited

foreign, application for certificate of authority .....	<b>HB 446</b>
---	---------------

uniform act .....	<b>SB 69</b>
-------------------	--------------

registered or exempted securities, reporting fee to insurance department ..	<b>SB 203</b>
---	---------------

### Passenger tramway safety board abolished, duties transferred to

reorganized safety department .....	<b>HB 526</b>
-------------------------------------	---------------

### Pastoral counselor licensing board

.....	<b>SB 170</b>
-------	---------------

### Pelham municipal court, abolished, special justice to continue with Nashua

district court holding sessions in Pelham .....	<b>HB 584</b>
---	---------------

### Pemigewasset Lake, New Hampton and Meredith, boating study

by safety services .....	<b>HB 420am</b>
--------------------------	-----------------

### Pennichuck Brook, reclassification

.....	<b>HB 225</b>
-------	---------------

### Pequawket Foundation, charter revived

.....	<b>HB 221</b>
-------	---------------

### Person, definition revised

.....	<b>HB 87</b>
-------	--------------

### Personal injury actions

damages for noneconomic loss, flexible limit .....	<b>SB 135</b>
--	---------------

judgments, periodic payments of future damages .....	<b>SB 88</b>
--	--------------

### Personnel system task force consultant, prior approval of fiscal

committee; appropriation .....	<b>SB 145</b>
--------------------------------	---------------



**Pesticides**

- control division, registration fee increased .....HB 75
- definitions; rulemaking hearings; janitorial service contracts exempt from  
registration .....HB 88

**Peterborough and Jaffrey district courts combined .....HB 579**

- Petroleum gas facilities; safety and service same level as other public  
utilities, PUC regulation.....HB 704**

- Pharmacists and pharmacies, enforcement, exception rule an affirmative  
defense .....HB 454**

**Pharmacy commission, sunset renewals.....HB 119****Philbrook center**

- educationally handicapped children, liability for expenses .....HB 318
- superintendent, benefits from former position retained; appropriation .....HB 348

**Physical therapists, licensure requirements.....HB 623**

- Physicians, licenses, conditional on reasonable medicaid and medicare  
charges .....SB 191**

**Pine River Pond, Wakefield, jet skis prohibited .....HB 306am****Piscataqua River, dredging, repayment by state .....HB 200am****Pistols and revolvers**

- carrying without a license, exception rule an affirmative defense .....HB 454
- concealed, license to carry .....SB 194
- shooting ranges, exempt from new noise pollution ordinances and state  
standards .....HB 229

**Plainfield meeting legalized .....HB 228am****Planetarium in memory of S. Christa McAuliffe, appropriation .....HB 238****Planning boards**

- appeals of decisions, evidence based on specific written reasons for  
disapprovals .....SB 53
- master plans updated every 5 years .....HB 231
- membership, mayor's designee, approval of legislative body .....HB 717
- plat approval, extension of time limited; conditional approval repealed .....SB 52
- site plans approval for change or expansion of use .....HB 718
- technical assistance for growth management .....HB 192am
- law recodified.....HB 104am
- zoning regulations exemptions, certain small utility structures.....HB 644

**Planning office, state**

- agency to be contacted by federal government regarding high level  
radioactive waste .....HB 568

**Connecticut River Valley resource commission administratively**

- attached .....HB 321am
- cooperation with safety service on boat mooring locations .....HB 586am
- regional and municipal assistance program; increased technical assistance  
to towns, study .....HB 192am
- sunset renewal for 2 years; recodified.....HB 104

**Plumbers board, sunset renewal; per diem .....HB 120am****Plymouth**

- to Holderness, highway connecting routes 175 and 3 designated route  
175-A .....SB 28
- town and village district meetings legalized .....HB 228am

**Podiatrists registration board, sunset renewal .....HB 121****Podles, Sen. Eleanor P., appointed vice president .....10**

**Police officers**

- disobeying, driver giving false information or refusing to give information . .SB 228
- impersonation, misdemeanors. . . . .SB 56

**Police standards and training council**

- capital improvements appropriation . . . . .HB 200
- corrections, sunset renewal . . . . .HB 140
- employee with 5 years creditable service as group II member of retirement
  - system, membership retained . . . . .HB 292am
- increased enrollment, transfer of funds . . . . .HB 300am
- location and construction of chief medical examiner facility . . . . .SB 236
- sunset renewal . . . . .HB 139

**Political contributions, state employees, soliciting permitted. . . . .SB 101**

**Political parties**

- rules may allow non-members to vote in primaries . . . . .SB 137
- state conventions, US senator as member, conditions . . . . .HB 522

**Pollution control, leaking underground storage tanks, clean-up loans . . . . .SB 211**

**Pooled risk management programs, organization and operation, political**

- subdivisions. . . . .HB 608am

**Population growth and planning, study . . . . .SB 143**

**Port authority**

- and marine services division, commerce department. . . . .HB 470am
- capital improvements appropriation . . . . .HB 200
- engineering study for additional berthing space, phase 2 to be completed .SB 74am
- mooring and slip permits, foreign trade zone, fees by rule . . . . .HB 303
- sunset renewal . . . . .HB 145

**Portsmouth**

harbor

- dredging, repayment by state . . . . .HB 200am
- marine repairs and dredging, appropriation increased . . . . .SB 125am
- state house, original, restoration, feasibility study, appropriation . . . . .SB 180
- ward lines changed; referendum. . . . .SB 123

**Postsecondary education commission, veterans education service, sunset**

- renewal; advisory committee repealed . . . . .HB 160am

**Postsecondary vocational technical education**

- capital improvements appropriation . . . . .HB 200
- department
  - additional federal funds; transfer or elimination of instructional
    - programs . . . . .HB 300
  - fire standards and training council. . . . .HB 573
  - fire standards and training council transferred to . . . . .SB 216
  - sunset renewal; rules; annual report . . . . .HB 167am
  - study committee. . . . .HB 661

**POW-MIA flag design, displayed over state house . . . . .HB 78**

**Power of attorney, durable, limitations on agent, hearings for redress**

- confidential . . . . .HB 236am

**Prescott Road, Raymond, reconstruction appropriation increased . . . . .HB 260**

**President, Bartlett, Sen. William S., nominated and elected . . . . .3-4, 8**

**Press, identification badges required in state house or legislative office**

- building . . . . .SB 119

**Preston, Sen. Robert F.**

- appointed minority leader . . . . .10
- article about child abuse trust fund read into the record. . . . .912-913

**Preston, Sen. Robert F. (cont.)**

presentation of map showing NH Yankee Nuclear Plant evacuation zone of  
1 mile .....95-96

**Price-Anderson Act**, urging congress to amend for full liability coverage  
of nuclear accidents.....HCR 3

**Prisoners**

good conduct credits, method of determining changed .....HB 425  
medical care, insurance to reimburse state or political subdivisions.....HB 666  
of war-missing in action flag design, displayed over state house .....HB 78

**Privacy**, pupils, certain surveys, examinations, and information requests  
prohibited.....SB 55

**Private activity bond limit**, allocation procedures complying with Tax  
Reform Act of 1986 .....SB 214

**Private detectives**, armed, fingerprint requirement for licensing .....HB 438

**Probate court**

extension of jurisdiction over minors .....HB 213  
hearings for redress under durable power of attorney confidential.....HB 236am  
judges  
6 year term .....CACR 13  
salaries and sessions increased.....HB 345

**Probation** replaced by conditional release in juvenile statutes.....HB 355am

**Professional regulation bureau**, public health services division.....HB 590am

**Psychologists**

board  
licensing.....SB 170  
sunset renewal; members to have staggered terms .....HB 122am  
sexual misconduct of psychotherapists reported; disciplinary actions .....HB 449

**Psychotherapists**, sexual misconduct, disciplinary actions.....HB 449

**Public assistance**

nursing homes, county reimbursement to state reduced.....HB 217  
recipients may be required to work in community or for nonprofit  
organization, exceptions .....HB 530am

**Public employees labor relations board**

hearing officers; notice of hearings, time and method of notice changed;  
decision time changed .....HB 434  
sunset renewal; rules for identifying conflicts of interest .....HB 123am

**Public health services**

AIDS and herpes simplex type II cases reported .....SB 30  
conference on incentives for employers to operate day care facilities  
for employees .....HB 284

## division

radiation advisory committee members, staggered terms.....HB 46  
rulemaking for maternal and child health services .....HB 45am  
halfway houses, registration to no set standards repealed .....HB 23  
jurisdiction over chiropractic examiners board.....HB 112am  
petition to superior court for lead abatement .....HB 339  
residential health hazards, investigations and recommendations upon  
request .....SB 196

**Public investments study committee** .....HB 275

**Public land preservation**, specified tracts retained by the state, list  
updated annually .....HB 379am

**Public meetings**, governor and council, committee of conference .....HB 727

**Public officials**

- appointed, financial disclosure .....SB 190
- elected, financial disclosure, deadline extended .....HB 48
- financial disclosure requirements changed .....SB 176

**Public utilities**

- commission
  - administration and support, sunset renewal; consumer advocate
    - administratively attached; assessment of expenses.....HB 135am
  - approval of water use by utilities .....HB 280
  - consumer advocate administratively attached .....SB 222
  - electric utility rate increases limited .....SB 89
  - energy from small producers and qualifying cogenerators, purchase
    - rate stabilized .....SB 227
  - enforcement of underground utility damage prevention system .....HB 518
  - gas pipeline carriers, sunset renewal.....HB 136
  - regulation of petroleum gas facility operators .....HB 704
- counties may acquire and operate .....SB 8
- declaration of estimated franchise tax filed.....HB 363
- estimated tax payments, time period .....HB 329
- relocation assistance for highway project .....SB 213
- small structures, zoning exemptions.....HB 644
- temporary rate increase pending review repealed .....HB 707

**Public works and highways.** See: Transportation department

- Publications,** state documents, depository libraries, rules for retention
  - schedules .....HB 28
- Pulling contests,** cattle and oxen tested for drugs; penalties.....HB 655
- Pulp and paper technology program,** Berlin vocational technical college...HB 327

**R**

**Racing**

- dogs, pari-mutuel pools, tax credit continued, limit raised .....HB 299
- horses, simulcast statutory provisions made permanent; breakage
  - distribution changed.....HB 304
- pari-mutuel pools distribution to agriculture deleted .....HB 679
- unruly persons ejected from racetrack grounds .....HB 248

**Radiation advisory committee members,** staggered terms.....HB 46

**Radioactive materials**

- high level, transportation, production, burial, and storage prohibited .....HB 568
- nuclear incidents, presumption of negligence, liability, punitive damages...HB 405

**Radioactive waste**

- disposal sites, low-level, use of eminent domain to take private property
  - prohibited .....HB 195
- urging congress to amend Price-Anderson Act for full liability coverage
  - of accidents .....HCR 3

**Railroads,** estimated tax payments, time period.....HB 329

**Rainy day fund.**.....SB 226

**Randlett, Gloria,** elected assistant clerk .....9

- Rannie Webster Foundation,** financial statement filed with tax and land
  - appeals board .....HB 295

**Raymond,** Prescott Road reconstruction appropriation increased.....HB 260

**Real estate**

- brokers, interest bearing trust accounts, interest to nonprofit organizations or low income housing.....HB 532
- commission
  - sunset renewal; administratively attached to secretary of state; ethics code.....HB 124am
  - transferred to state department.....HB 590am
- transfer tax
  - sale of manufactured housing park to tenants' association exempt .....HB 294
  - temporary increase.....HB 276am

**Real property**

- attachments, expiration.....HB 94
- tax sale redemption, interest on unpaid balance only.....SB 220

**Records**

- criminal, availability.....HB 289
- management and archives
  - capital improvements appropriation .....HB 200am
  - laws recodified and relocated.....SB 76

**Red Cross, list of tax exempt property filed with tax and land appeals**

- board .....HB 295

**Referees, court-appointed commissioned by the governor and council.....SB 60****Regional highway conferences, biannual, transportation and safety**

- departments .....HB 582

**Regional planning commissions, technical assistance for growth**

- management .....HB 192am
- law recodified .....HB 104am

**Registers of deeds, recording fees clarified .....HB 556****Reimbursements office, monthly requirement for certain reports deleted ...SB 66****Religious organizations, list of tax exempt property filed with tax and**

- land appeals board .....HB 295

**Rendition, juveniles charged as delinquent, interstate compact .....HB 426****Rent default, wage attachment; eviction stay reduced .....SB 17****Residential health, investigation and recommendations upon request by**

- public health services.....SB 196

**Resources and economic development**

- capital improvements appropriation .....HB 200
- changed to parks and forests department; economic development and marine services transferred to commerce department .....HB 470
- department
  - coastal projects, Hampton, Portsmouth, and Rye harbor; appropriation .....SB 125am
  - endangered native wildflowers and plants listed, protection program ....SB 172
  - forests and tracts specified for retention, list updated annually .....HB 379am
  - transferred to natural resources and state planning.....HB 570
- Hampton and Rye projects, 1985 capital improvements
  - appropriation changed.....HB 200am
- Nansen ski jump rehabilitation appropriation; private operation sought...HB 309
- reports to house and senate committees; environmental study .....HB 144am
- ski lift repairs and
  - dredging at Hampton, Portsmouth, and Rye Harbors, 1985 capital improvements appropriation extended.....HB 100

**Resources and economic development (cont.)**

Hampton projects, 1985 capital improvements appropriation  
extended. ....HB 200am

**Respite care, appropriation** .....HB 357am

**Restaurants**

along turnpikes, study. ....HB 224

non-smoking areas. ....SB 218

smoking in segregated areas or prohibited. ....SB 15

**Retirement system**

additional investments; legal counsel; costs charged against retirement

system funds. ....HB 629

beneficiaries, additional allowance .....SB 175

benefits not reduced by workers' compensation lump sum payments .....HB 576

disability beneficiary, medical examinations set by board; administrative  
costs. ....SB 182

group I

benefits study .....SB 174am

early retirement, reduction of allowance changed. ....HB 630

non-government entities may participate. ....SB 178am

group II

5 years creditable service, members accepting positions with police or

fire standards and training, membership retained .....HB 292am

age 60 retirement benefits .....SB 200

benefits at age 65 regardless of credited years .....HB 700

benefits for spouse after death of retired member. ....SB 78

county houses of correction personnel. ....HB 693

state annuity increased, appropriation. ....SB 161

interest compounded monthly on member annuity savings fund. ....HB 696

sunset renewal .....HB 110

**Revenue**

administration

automated information system .....HB 363am

community services, sunset renewal; property tax rate set by  
commissioner. ....HB 107am

information collected through tax administration provided to governor  
and general court; confidentiality .....HB 108am

interest and dividends tax, small businesses reporting stockholders  
receiving dividends; minor discrepancies disregarded .....HB 488

release of confidential information to LBA, limitation. ....SB 94

revenue collection, sunset renewal. ....HB 108

stabilization reserve account, maximum permitted. ....SB 226

unrestricted, estimates .....HB 300

**Rifles and shotguns**

commemorative lottery, lapse date extended; contract to manufacture. . . .SB 27am

shooting ranges exempt from new noise pollution ordinances and  
state standards. ....HB 229

**Right to know, meetings and records, accessibility increased** .....HB 727

**Risk management programs, pooled by political subdivisions.** .....HB 608am



**Road rules**

littering near water prohibited .....	SB 27am
speed limit	
55 miles per hour .....	SB 146
65 miles per hour on interstate and 4 lanes divided highways .....	SB 80

**Roberge, Sen. Sheila**, appointed majority whip. ....10

**Rochester post office**

1985 appropriation extended .....	HB 100am
1986 capital improvements appropriation extended .....	HB 200am

**Roll calls**

opening of session .....	1
--------------------------	---

<b>SB 1-A</b> , Establishing the New Hampshire land conservation investment program and making an appropriation therefor. Question, adopt committee amendment. Yeas, 22; Nays, 2 .....	560-561
Question, adopt committee amendment. Yeas, 11; Nays 13 .....	726

<b>SB 2</b> , Mandating health insurance for alcoholism and drug dependency treatment. Question, adopt committee amendment. Yeas 18, Nays, 5. .639-640	
Question, order to third reading. Yeas, 16; Nays, 7 .....	640

<b>SB 9</b> , Relative to compensatory damages under the anti-discrimination law. Question, substitute ought to pass for inexpedient to legislate. Yeas, 9; Nays, 15 .....	72
--	----

<b>SB 18</b> , Relative to the integrated bar. Question, substitute ought to pass for inexpedient to legislate. Yeas, 7; Nays, 16 .....	94
---	----

<b>SB 26</b> , Prohibiting homosexuals from donating blood. Question, substitute ought to pass for inexpedient to legislate. Yeas, 9; Nays, 13. ....128-129	
Question, recommit. Yeas, 16, Nays, 6 .....	129

<b>SB 37</b> , To clarify the relationship between the state civil defense agency and local governments regarding development of nuclear emergency response plans. Question, indefinitely postpone. Yeas, 13; Nays, 9. ....278	
--	--

<b>SB 40-FN-A</b> , Relative to catastrophic aid, and making an appropriation therefor. Question, adopt committee amendment. Yeas, 12; Nays, 10. ....150	
Question, lay on table. Yeas, 12; Nays, 11 .....	150
Question, adopt committee amendment. Yeas, 16; Nays 5. ....184-185	

<b>SB 43-FN</b> , Relative to regional banking. Question, adopt floor amendment. Yeas, 4; Nays, 19. ....367	
Question, order to third reading. Yeas, 15; Nays 6 .....	373-374

<b>SB 50</b> , Relative to damages from construction. Question, adopt floor amendment. Yeas, 10; Nays, 12 .....	244
---	-----

<b>SB 55</b> , Relative to parent and pupil rights. Question, substitute ought to pass for inexpedient to legislate. Yeas, 3; Nays, 19 .....	306
--	-----

<b>SB 80</b> , Amending the statutory speed limit on certain highways of the state. Question, adopt floor amendment. Yeas, 17; Nays, 6 .....	168-169
--	---------

<b>SB 82-FN-A</b> , Relative to funding for the New Hampshire Veterans Resource/Counseling Center, and making an appropriation therefor. Question, substitute ought to pass for inexpedient to legislate. Yeas, 11; Nays, 9. ....803	
--	--

<b>SB 84</b> , Restricting the use of double trailers in cities and towns of the state. Question, take from the table. Yeas, 11; Nays, 12. ....664	
--	--

<b>SB 101</b> , Relative to political campaign contributions by state employees. Question, substitute indefinitely postpone for ought to pass. Yeas, 9; Nays, 14 .....	592
--	-----

Roll calls (cont.)

SB 124-FN, Prohibiting abortions performed on certain minors without parental consent. Question, ought to pass. Yeas, 15; Nays, 7 .....	459
SB 131-FN, Prohibiting the sale of communist-manufactured liquor and alcoholic beverages in New Hampshire. Question, ought to pass. Yeas, 8; Nays, 14 .....	407-408
SB 132, Relative to the appointment of the executive director of the department of fish and game. Question, ought to pass. Yeas, 15; Nays, 8 .....	546-547
SB 133-FN, Relative to immunizing children. Question, substitute interim study for ought to pass. Yeas, 8; Nays, 14 .....	494
SB 137, Relative to voting in state and presidential primary elections. Question, adopt floor amendment. Yeas, 10; Nays, 14 .....	572
Question, substitute indefinitely postpone for ought to pass with amendment. Yeas, 9; Nays 14 .....	574
SB 148, Relative to procedures for distributions of certain federal funds allocated to the state. Question, order to third reading. Yeas, 17; Nays, 7 .....	330-331
SB 162-FN, Establishing the New Hampshire ski area commission. Question, substitute interim study for ought to pass with amendment. Yeas, 14; Nays, 10 .....	525
SB 166-FN, Abolishing the sunset review process. Question, lay on table. Yeas, 8; Nays, 15 .....	239-240
SB 168-FN-A, Establishing a foster parents ombudsman council. Question, substitute ought to pass for inexpedient to legislate. Yeas, 9; Nays, 13 .....	789
SB 178, Permitting the president of the New Hampshire Education Association to be eligible to participate in the New Hampshire retirement system. Question, ought to pass. Yeas, 17; Nays 6 .....	376-377
SB 183-FN, Relative to coverage for mental or nervous conditions. Question, pass over governor's veto. Yeas, 11; Nays, 12 .....	1937
SB 189-FN, Establishing a committee to study the economic impact of selling the Seabrook Station, unit 1 nuclear electric generating facility. Question, substitute indefinitely postpone for ought to pass. Yeas, 14; Nays, 9 .....	536
SB 199-FN, Relative to branch banking. Question, lay on table. Yeas, 10; Nays, 11 .....	195
SB 201-FN-A, Relative to boat speeds on public waters and making an appropriation therefor. Question, substitute interim study for ought to pass with amendment. Yeas, 4; Nays, 18 .....	426
SB 202-FN, Relative to the state treasurer. Question, adopt committee amendment. Yeas, 18; Nays, 5 .....	391-392
SB 209-FN, Relative to implementing national standards for specific information signs. Question, order to third reading. Yeas, 14; Nays, 10 ...	656
SB 210-FN, Relative to minimum education standards for elementary and secondary schools. Question, interim study. Yeas, 15; Nays, 8 .....	564
SB 212-FN-A, Increasing financial aid to certain municipalities for water treatment projects and making an appropriation therefor. Question, adopt Preston amendment. Yeas, 7; Nays, 15 .....	759

## Rolls calls (cont.)

SB 225-FN, Relative to a Martin Luther King holiday. Question, substitute ought to pass for inexpedient to legislate. Yeas, 9; Nays, 14 .....	480
SJR 1, Against communist tyranny. Question, substitute ought to pass for inexpedient to legislate. Yeas, 16; Nays, 6. ....	484
SCR 2, Applying to the Congress of the United States to call a convention to propose an amendment to protect the lives of the unborn. Question, ought to pass. Yeas, 12; Nays, 10. ....	156
SR 3, Relative to fetal pain. Question, ought to pass. Yeas, 13; Nays, 9. ....	157
HB 98, Relative to adultery. Question, inexpedient to legislate. Yeas, 12; Nays 11 .....	689
Question, adopt committee report. Yeas, 15; Nays, 8 .....	691
HB 294-FN-A, Exempting the sale of a manufactured housing park to a tenants' association from the real estate transfer tax and requiring a manufactured housing park owner to give notice to a tenants' association before selling the park. Question, lay on table. Yeas, 8; Nays, 15 .....	1124
HB 300-A, Making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1988 and June 30, 1989. Question, adopt committee amendment. Yeas, 20; Nays, 4. ....	1456
HB 322-FN-A, Relative to the AIDS virus and making an appropriation therefor. Question, adopt floor amendment. Yeas, 13; Nays, 11. ....	1502
Question, suspend the rules to allow conference committee report received after the deadline. Yeas, 12; Nays, 12. ....	1854
HB 370-FN-A, Relative to employment opportunity. Question, pass over governor's veto. Yeas, 15; Nays, 8. ....	1953
HB 405, Establishing a presumption of negligence for liability resulting from a nuclear incident. Question, substitute ought to pass for inexpedient to legislate. Yeas, 9; Nays, 14. ....	1079
HB 503, Relative to the regulation of existing weirs. Question, pass over governor's veto. Yeas, 21; Nays, 1 .....	1705-1706
HB 626-FN, Relative to medication specialists. Question, lay on table. Yeas, 14; Nays, 9 .....	952
Question, ought to pass. Yeas, 12; Nays, 12. ....	1045
HB 675-FN, Relative to workers' compensation liens against uninsured motorist recoveries. Question, substitute ought to pass for inexpedient to legislate. Yeas, 9; Nays, 15. ....	1027
HB 707, Relative to the implementation of public utility rate schedules under bond. Question, substitute ought to pass for inexpedient to legislate. Yeas, 9; Nays, 15. ....	908
Question, reconsideration. Yeas, 10; Nays, 14. ....	962
HB 708, Relative to excess electric generating capacity. Question, adopt committee amendment. Yeas, 10; Nays, 12 .....	1606
HCR 4, Relative to a National Housing Partnership Act. Question, substitute ought to pass for inexpedient to legislate. Yeas, 11; Nays, 12 .....	941-942
HCR 10, Adopting joint rules for the 1987-1988 sessions. Question, ought to pass as amended. Yeas, 20; Nays, 3. ....	253-254

**Roll calls (cont.)**

**CACR 12**, Relating to meetings of the general court. Providing that the general court shall meet biennially and receive mileage for not more than 90 legislative days during the session but not after the first day of July following the biennial assembly of the legislature. Question, ought to pass. Yeas, 12; Nays, 10 .....128  
Question, order to third reading. Yeas, 14; Nays, 10 .....327

**CACR 20**, Relating to size and tenure of senate. Providing that the senate shall consist of 36 members, each elected to a 4 year term. Question, substitute ought to pass for inexpedient to legislate. Yeas, 10; Nays, 11.....599

**Rollinsford meeting legalized** .....HB 228am

**Rooms and meals tax**. See: Meals and rooms tax

**Rulemaking register published weekly**, time limits changed for hearing notices, committee approval and rules publication .....SB 171

**Rules**

joint .....HCR 10  
discussion on meeting dates .....134-135  
procedures and limitations .....HB 103am  
senate  
1985 adopted for 1987 .....14-22  
committee report, amendments adop .....76-80  
rule 17, amended .....38  
rule 17, report .....32

**Rust Pond**, Wolfeboro, jet ski prohibited.....SB 38

**Rye Harbor**

dredge materials, ocean disposal, appropriation .....SB 125  
projects, appropriation increased .....SB 125am  
state park, 57 acres transferred to fish and game for wildlife management; hazardous waste liability exemption .....HB 724

**S**

**Safety commissioner**, enforcement of prohibition against transportation, production, burial, or storage of high level nuclear material .....HB 568

**Safety department**

1985  
and 1986 appropriations extended .....HB 200am  
and 1986 capital improvements appropriation extended .....SB 112  
capital improvements appropriation changed .....HB 200  
capital improvements appropriation increased .....HB 100  
administration and support, sunset renewal .....HB 137  
administrative authority for bingo transferred from sweepstakes commission .....SB 205  
biannual regional conference with transportation department .....HB 582  
reorganized .....HB 526

**Safety inspectors**, powers .....SB 106am

**Safety services**

boats, uniform fine schedule set by rule .....HB 408  
director, rulemaking power, boating restrictions .....HB 437am  
division  
boating on Lake Pemigewasset, study .....HB 420am  
moorings on certain lakes, permits; rules .....HB 586am

**Safety services (cont.)**

- marine engineers, noise levels rules. . . . .SB 51
- maximum speed limits on public waters, penalties . . . . .SB 201

**Salaries, US officials, 15% increase opposed by NH senate. . . . .SR 2**

**Salem, First Congregational Church charter revived . . . . .SB 73**

**Sales, urea-formaldehyde in new housing prohibited . . . . .HB 67**

**Salmon Brook (Nashua), reclassification . . . . .HB 225**

**School districts**

- bonds, state guarantee, limit increased . . . . .HB 544
- cooperative, costs apportioned by equalized valuation . . . . .SB 14
- election of officers not same day as state general election . . . . .HB 466
- foundation aid
  - excess Sweepstakes funds carried forward, shortfalls charged against
    - general fund. . . . .HB 325am
  - formula effectiveness criteria, study . . . . .SB 91
- high school diploma replaced by certificate of attendance when
  - requirements not met. . . . .SB 49
- refunding bonds, public hearing on issue exceeding \$100,000; debt limit
  - the same . . . . .SB 235
- unorganized, supplemental appropriation . . . . .HB 152

**School Pond, Danbury, internal combustion engines prohibited . . . . .HB 31am**

**Schools**

- administrative units, number not limited . . . . .SB 217am
- building aid, advisory committee. . . . .HB 300
- communicable diseases, immunization of children. . . . .SB 133
- elementary and secondary, minimum educational standards set by statute . .SB 210
- pupils privacy, certain surveys, examinations, and information requests
  - prohibited. . . . .SB 55

**Seabrook nuclear plant**

- map presented by Sen. Preston showing 1 mile evacuation zone . . . . .95-96
- sale, economic impact, study committee . . . . .SB 189

**Search and rescue, fish and game volunteers, defense and indemnification . .HB 60**

**Seat belts, children under 5, exceptions for vehicles manufactured without**

- seat belts removed . . . . .HB 439

**Secretary of state**

- assistant, vacancy in office may be filled by office supervisor. . . . .HB 18am
- certificates pertaining to corporations, fees. . . . .HB 446am
- corporations, notification of change of registered agent or office,
  - procedure; forfeited charters reinstated. . . . .SB 57
- exempt from supplies being purchased by plant and property
  - management . . . . .HB 105am
- legislative services division, sunset renewal . . . . .HB 105
- real estate commission administratively attached . . . . .HB 124am
- salary, transfer of power, term . . . . .SB 202
- status of women commission administratively attached . . . . .HB 126

**Secure psychiatric unit**

- committal
  - persons acquitted by reason of insanity . . . . .HB 695
  - renewal, conditional discharge procedure. . . . .HB 55
- patient care, state reimbursed . . . . .HB 662



**Securities**

held by corporations or partnerships, requirements for acceptance by  
secretary of state .....HB 446

## investment

advisor redefined .....HB 550  
article 8 of UCC, uniform amendments .....SB 70  
registration requirements, small aggregate issues exempt .....SB 203  
regulation office, definitions, functions, rulemaking authority, takeover

    bids, registration fee increased .....HB 296

**Security force**, technical institute campus .....SB 223

**Security guards**

armed, fingerprint requirement for licensing .....HB 438  
county fairs, detention powers .....SB 58am

**Seeing eye dogs**, definition, licensing, prohibited acts .....HB 641

**Senate**

6 year term .....CACR 11

clerk. See: Clerk

committees. See: Committees; names of committees

## election returns

    secretary of state to furnish .....10

    select committee to examine and report .....11-14

leadership positions .....10

meeting days .....39

members sworn in .....2, 23

membership 36; 4 year term .....CACR 20

president. See: President

## rules

    1985 adopted for 1987 .....14-22

    committee report, amendments adop .....76-80

    rule 17 amended .....38

    rule 17 report .....32

salary and mileage payments .....22

staff introduced .....27-28, 44

**Senior Citizens Housing Development Corp.** of Claremont, payments in

    lieu of taxes .....SB 195

**Senior volunteer grant program** .....HB 338

**Sentences**

civil fine or penalty not part of criminal record .....HB 403

conditional, imprisonment for nonpayment of fine, amount credited per

    day increased .....HB 605

controlled drug offences, recorded as misdemeanors only for persons

    under 21 .....SB 114

**Septic systems**

expansion of use, WSPCD approval; waterfront property, report

    on adequacy of system before sale .....HB 240am

violations, administrative fines .....HB 336am

**Sergeant-at-arms**, David Dow elected .....9

**Sewage**

## disposal systems

    financial aid for specific projects .....SB 212

    private, expansion of use, WSPCD approval; waterfront property, report on

        adequacy of system before sale .....HB 240am



**Sewage (cont.)**

treatment plant and lagoon system, expansion, Conway village fire district, appropriation .....HB 250

**Sewers**, rental, basis for charges .....HB 517

**Sexual assault**, prosecution prohibited unless notification occurred within 6 months repealed .....SB 158

**Shared homes**

medical assistance recipients, personal needs allowance .....HB 607am

residents, standard of need increased .....SB 142

**Sheriffs, deputies**

appointments within limits of appropriation .....HB 62am

employed as bailiff, per diem increased .....HB 552am

**Shooting range**, exempt from new noise pollution ordinances and state standards .....HB 229

**Signs**, information, interstate highways, national standards .....SB 209

**Sire stakes program repealed** .....HB 175am

**Ski**

area commission, Cannon Mountain and Mount Sunapee .....SB 162

operations, state owned areas, study .....HB 309am

**Skyhaven airport**, Rochester, 1985 capital improvements appropriation increased .....HB 200am

**Small loans**, closed-end and open-end redefined; licensing and regulation .....HB 722

**Smoking**, restaurants, segregated areas or prohibited .....SB 15

**Snow traveling vehicles**, removal from surface waters .....HB 220

**Social workers**, clinical, licensing board .....SB 170

**Soil potential index**, open space land, basis for assessment .....HB 714am

**Solid waste disposal contracts**, tonnage guarantees, recycled amounts included .....SB 164

**Spaulding turnpike**. See: Eastern NH turnpike

**Special education**

bureau, rate setting for private providers of services removed .....SB 118

catastrophic aid formula and payment date changed .....HB 152am

court ordered placements

case plans; certified programs; liability proceedings .....HB 349am

HB 355am

liability for expenses .....HB 318

review of placements; administrative services department consulted in setting rates .....SB 40

**Standardbred breeders and owners development agency repealed** .....HB 175am

**State agencies**

administrative rules may be disapproved by general court .....CACR 21

attorney general opinions on rulemaking and administrative

procedures published .....SB 110

confidential information, release to LBA .....SB 94

motor vehicles, emergency replacement

1985 appropriation increased .....HB 269

special fund .....HB 300

motorpool study extended .....SB 105

reorganization, statute repealed .....SB 93

rules, procedures and limitations .....HB 103am

## SUBJECT INDEX

2003

### State agencies (cont.)

sunset law  
 repealed.....SB 34am

SB 166

SB 192am

sunset renewal.....HB 101

**State auditor, appointment, audit functions of legislative budget assistant  
and sunset committee.....**SB 192

**State buildings, office space available, agencies renting private space  
required to occupy . . . . .**HB 300

## State employees

classified

personnel system task force consultant, prior approval of fiscal  
committee; appropriation. . . . .SB 145

salaries increased .....HB 10

part time, 30 hours or more per week, full time health and dental benefits,  
costs apportioned between state and employee .....HB 683

political contributions, soliciting permitted .....SB 101

positions abolished . . . . . **HB 300**

retirement system. See: Retirement system

unclassified. See: State officials

## State house

display of POW-MIA flag .....HB 78

lobbyists prohibited from occupying certain areas .....SB 126

Portsmouth, restoration of original building, feasibility study .....SB 180

press, identification badges required.....SB 119

## State library

automated information systems board, membership changed . . . . . **HB 90**

capital improvements appropriation .....HB 200am

## State officials

residency requirements, task force to study .....SB 41

salaries

increased .....HB 10

HB 667am

personnel system task force study .....SB 145

## State police

additional troopers, appropriation .....SB 79

criminal records, availability .....HB 289

fireworks, license fees .....HB 562

hotline for missing children .....HB 230

## State prison

1985 capital improvements appropriation extended.....**HB 200**

capital improvements appropriation . . . . . **HB 200**

good conduct credits, method of determining changed .....**HB 425**

secure psychiatric unit

committal of persons acquitted by reason of insanity . . . . . **HB 695**

committal renewal, conditional discharge procedure .....HB 55

state reimbursed for patient care.....HB 662

**State property, disposition, first offer to local government . . . . .HB 201**

of women commission, sunset renewal; administratively attached

to secretary of state.....

**Statute of limitations.** See: Limitation of actions

**Statutory construction**

daylight saving time, first Sunday in April to last Sunday in October .....	HB 728
person redefined.....	HB 87

<b>Stokes, Helen</b> , former senate secretary, regrets on death .....	34
--	----

**Stratham vocational technical college**, capital improvements

appropriation.....	HB 200am
--------------------	----------

<b>Structured settlements</b> , periodic payment of future damages .....	SB 88
--	-------

**Studies**

air quality monitoring, staff and equipment .....	SB 6
---	------

alarm installers registration, certification, or licensing .....	SB 197am
--	----------

attorney general, opinion on rulemaking and administrative	
--	--

procedures published .....	SB 110
----------------------------	--------

boating on Lake Pemigewasset by safety services .....	HB 420am
---	----------

children	
----------	--

and youth services division, services.....	HB 349am
--	----------

	HB 355am
--	----------

confinement at YDC or NH hospital, alternatives investigated, repealed. .	SB 65
---	-------

custody, legal and physical; determination of best interests of the child .	HB 398
---	--------

interagency dispute resolution .....	HB 709
--------------------------------------	--------

cooperative extension service, funding and efficiency .....	HB 367
---	--------

damages, collusion, joint liability .....	SB 136
---	--------

developmentally disabled	
--------------------------	--

definition and rights, impact of federal law .....	HB 541
--	--------

support services to families.....	HB 699
-----------------------------------	--------

eastern NH turnpike, overhead lights at certain exits .....	SB 150
---	--------

educational standards set by statute .....	SB 210
--	--------

elections	
-----------	--

ballots, questions to be clear and concise.....	SB 33
---	-------

campaign financing, voluntary limits, filing fee waived.....	SB 177
--	--------

electric utilities, rate increases limited .....	SB 89
--	-------

employee wages, business closing, officers personally liable .....	SB 117
--	--------

enterprise zones, need for .....	SB 102
----------------------------------	--------

environment, DRED, OHRV impact .....	HB 144am
--------------------------------------	----------

environmental risk insurance fund.....	SB 134
--	--------

fire laws .....	HB 244
-----------------	--------

fish and game, divisions and operations .....	HB 143
---	--------

foster families .....	HB 355am
-----------------------	----------

foundation aid formula effectiveness criteria .....	SB 91am
---	---------

granite quarry operations under local regulation .....	SB 96
--	-------

growth management technical assistance by state planning office .....	HB 192am
---	----------

head injuries .....	HB 435
---------------------	--------

health care, certificate of need repealed .....	SB 98
---	-------

homelessness in NH.....	HB 545
-------------------------	--------

indigent defense program .....	HB 300
--------------------------------	--------

industrial development marketing .....	SB 144
--	--------

interagency motorpool, extended.....	SB 105
--------------------------------------	--------

involuntary admission of developmentally impaired.....	HB 695am
--	----------

involuntary treatment in mental health services system .....	HB 692
--	--------

judicial branch and unclassified employees salaries .....	SB 145
---	--------

Kona Wildlife Area (Moultonboro), development as state park .....	HB 493
---	--------

land use controls, innovative .....	SB 129
-------------------------------------	--------

**Studies (cont.)**

laws

- pertaining to elderly. ....HB 422
- publication and distribution .....HB 180
- legal services corporations purposes expanded .....SB 113
- long range electrical energy needs .....SB 153am
- medical examiner associate; disposal of unidentified remains .....SB 236
- mental health services and utilization, review continued .....HB 277
- motor vehicles, special license plates issued to persons with walking
  - disabilities .....HB 641am
- Nashua, second bridge over Nashua River .....SB 154
- NH businesses participating in international trade .....HB 470
- off highway recreational vehicles trails along state highways .....HB 196
- personal injury
  - damages, noneconomic loss, flexible limit .....SB 135
  - periodic payment of future damages. ....SB 88
- pistols and revolvers, concealed, license to carry .....SB 194
- population growth and housing needs .....SB 143
- postsecondary vocational technical education .....HB 661
- psychotherapists, sexual misconduct, disciplinary action .....HB 449
- public investments .....HB 275
- public utilities
  - relocation assistance for highway projects .....SB 213
  - water use, approval required .....HB 280
- restaurants along turnpikes .....HB 224
- retirement system
  - group I, benefits .....SB 174am
  - group II, membership .....HB 693
- route 1, MA border to Portsmouth, reconstruction to increase capacity
  - and safety .....SB 75
- Seabrook nuclear plant, sale, economic impact .....SB 189
- ski area commission, jurisdiction over Cannon Mt. and Mt. Sunapee .....SB 162
- solid waste disposal contracts .....SB 164
- state officials, residency requirements .....SB 41
- state owned ski operations .....HB 309am
- subdivisions, minor; public hearing not required .....SB 152
- tax exemptions for elderly .....HB 589am
- tax rates set by municipalities .....HB 497
- teacher shortage; program and funding, balance of interests .....HB 281
- town ordinances, presumption of procedural compliance .....HB 416
- transportation department implementation of reorganization and other
  - legislative directives .....SB 99
- turnpikes, one-way tolls .....SB 97
- underground storage tanks replacement fund .....SB 211
- UNH system study committee, chairman elected biennially from
  - membership .....HB 32
- volunteers, charitable organizations or governmental entity, liability
  - limited. ....SB 120
- water pollution control revolving loan, funding .....SB 10am
- wood harvesting associated with biomass energy facilities, regulation
  - and supervision .....HB 670am

<b>Subcontractors</b> , late payment of benefit funds, notification to labor commissioner.....	HB 227am
<b>Subdivisions</b>	
developers, surety bonds for improvements; planning boards may not require cash; transferring lots before improvements are completed, penalty .....	SB 147
minor, public hearing not required.....	SB 152
plat approval, extension of time limited; conditional approval repealed .....	SB 52
<b>Sugar River watershed</b>	
appropriation extended .....	HB 100am
available balances lapsed.....	HB 200am
<b>Sullivan county</b> , industrial agent, appropriations .....	SB 47
<b>Suncook liquor store</b> moved to Allenstown.....	HB 193am
<b>Sunset law renewals</b>	
accountancy board .....	HB 111
adult basic education .....	HB 158
auctioneers board .....	HB 176
barbering and cosmetology board .....	HB 161
boxing and wrestling commission .....	HB 163
chiropractic examiners board .....	HB 112
civil defense .....	HB 128
claims board .....	HB 106
Connecticut River Valley flood control commission .....	HB 164
dates on bills, letter from Lynne Dennis .....	297-298
dental board .....	HB 114
disaster office .....	HB 129
education, state board	
administration and support .....	HB 152
driver education .....	HB 159
financial aid .....	HB 153
general education .....	HB 157
special services .....	HB 154
electricians' board .....	HB 115
electrologist board .....	HB 166
employment security .....	HB 165
engineers, architects, and land surveyors joint board .....	HB 168
fire standards and training commission .....	HB 130
fish and game department	
administration and support .....	HB 112
law enforcement .....	HB 143
food and nutrition program .....	HB 155
funeral directors and embalmers board .....	HB 116
Glenciff home for the elderly.....	HB 148
health and human services commissioner .....	HB 146
highway safety coordinator.....	HB 109
housing finance authority .....	HB 172
human rights commission .....	HB 141
joint legislative committee on review of agencies and programs .....	HB 101
Laconia state school .....	HB 149
legislative services office.....	HB 102
administrative procedures division .....	HB 103

**Sunset law renewals (cont.)**

liquor commission	
merchandising . . . . .	HB 133
office of commissioner/administrator . . . . .	HB 131
office of commissioner/regulation . . . . .	HB 132
warehouse . . . . .	HB 134
Maine-NH interstate bridge authority . . . . .	HB 169
medicine, board of registration . . . . .	HB 117
mental health division . . . . .	HB 147
Merrimack River flood control commission . . . . .	HB 170
motor vehicles division . . . . .	HB 138
New England water pollution control commission . . . . .	HB 171
NH hospital . . . . .	HB 150
nurses registration board . . . . .	HB 156
nursing scholarship program . . . . .	HB 173
off highway recreational vehicles bureau, DRED . . . . .	HB 144
optometry board . . . . .	HB 118
pharmacy commission . . . . .	HB 119
planning, state office . . . . .	HB 104
plumbers board . . . . .	HB 120
podiatrists registration board . . . . .	HB 121
police standards and training council . . . . .	HB 139
corrections . . . . .	HB 140
port authority . . . . .	HB 145
postsecondary vocational-technical education department . . . . .	HB 167
psychologists board . . . . .	HB 122
public employee labor relations board . . . . .	HB 123
public utilities commission	
administration and support . . . . .	HB 135
gas pipeline carriers . . . . .	HB 136
real estate commission . . . . .	HB 124
retirement system . . . . .	HB 110
revenue administration department	
community services . . . . .	HB 107
revenue collection . . . . .	HB 108
safety department, administration and support . . . . .	HB 137
secretary of state, legislative services division . . . . .	HB 105
tax and land appeals board . . . . .	HB 162
veterans education service . . . . .	HB 160
veterans' home . . . . .	HB 151
veterinary examiners board . . . . .	HB 127
veterinary/medical/optometric education program . . . . .	HB 177
war orphans scholarships . . . . .	HB 174
women, commission on status . . . . .	HB 126
<b>Sunset law repealed . . . . .</b>	<b>SB 34am</b>
	<b>SB 166</b>
	<b>SB 192am</b>

**Sunset law, termination, civil air patrol . . . . .**HB 113am

**Superior court**

appeals from district court, civil fine or penalty in excess of \$500 . . . . .	HB 403
Carroll county and Nashua court house, capital improvements	
appropriation . . . . .	HB 200



**Superior court (cont.)**

hearings for redress under durable power of attorney confidential . . . .	HB 236am
judges	
6 year term . . . . .	CACR 13
retirement before 70, additional service . . . . .	HB 650am
jurisdiction to enforce lead paint abatement . . . . .	HB 339
masters, referees, and auditors commissioned by governor and council . . . .	SB 60
Nashua court house, 1985 capital improvements appropriation	
extended. . . . .	HB 200am
right to hearing before a judge; authority of non-commissioned	
court-appointed judicial officers . . . . .	SB 61

**Supreme court**

1985 capital improvements appropriation extended . . . . .	HB 100am
court accreditation commission, membership increased, terms . . . . .	HB 264am
guardian ad litem compensation fund . . . . .	HB 650
rules effective if not inconsistent with statutes . . . . .	CACR 10

**Surgery, minors, parental consent required, exceptions . . . . .SB 22****Sweepstakes commission**

certain former employees prohibited from working for ticket vendors for	
2 years . . . . .	SB 42am
fiscal committee approval for new programs and consultants; transfer	
of funds. . . . .	HB 300
lucky 7 tickets sold by dispenser devices . . . . .	HB 555am

**Sweepstakes fund, foundation aid, excess funds carried forward, shortfalls**

charged against general fund . . . . .	HB 325am
--	----------

**T****Task force**

families with developmentally disabled children, support services . . . . .	HB 699
homelessness in NH. . . . .	HB 545
involuntary treatment, admission of developmentally	
impaired . . . . .	HB 695am
involuntary treatment in mental health services system, study . . . . .	HB 692
mental health services and utilization, study continued . . . . .	HB 277
personnel system, consultant, prior approval of fiscal committee;	
appropriation . . . . .	SB 145
registration, certification, or licensing of alarm installers and other	
building services, study . . . . .	SB 197am
state officials, residency requirements, study . . . . .	SB 41

**Tax and land appeals board**

notice; time for filings; fees; appeals . . . . .	HB 295
sunset renewal . . . . .	HB 162

**Tax sales**

redemption, interest on unpaid balance only . . . . .	SB 220
replaced by liens; local option . . . . .	HB 554am

**Taxes**

bills, mailing dates . . . . .	SB 181
business profits	
Internal Revenue Code provisions adopted . . . . .	HB 361
liens continued without annual renewal . . . . .	HB 328
rate decreased; contingent rates based upon future revenue collected . . .	SB 104

**Taxes (cont.)**

exemptions

- charitable, religious and educational organizations, filing with tax and  
land appeals board . . . . . **HB 295**
- elderly, expanded, permissible assets increased to \$80,000 . . . . . **SB 13**
- elderly, optional adjusted exemption . . . . . **HB 589**
- elderly, residency requirement . . . . . **HB 597**
- homestead, disabled veterans, disabilities expanded . . . . . **HB 232**
- meals purchased with food stamps. . . . . **HB 362**

income, interest and dividends

- exemptions, additional for elderly. . . . . **SB 44**
- exemptions, municipal bonds from any state. . . . . **SB 165**
- phased out. . . . . **SB 45**
- small businesses reporting stockholders receiving dividends. . . . . **HB 488**

land use change, total back taxes plus interest . . . . . **SB 186**

meals and rooms, return postmarked by fifteenth of month . . . . . **SB 221**

open space, land restricted by growth management ordinances. . . . . **SB 204**

payment in lieu of

- health care facilities and Senior Citizens Housing Development Corp.  
of Claremont . . . . . **SB 195**
- small power producers and cogenerators, apportioned between town and  
school district . . . . . **HB 668**

railroads and public utilities, estimated tax payments, time period . . . . . **HB 329**

rate set by

- cities; local option. . . . . **SB 185**
- municipalities, study . . . . . **HB 497**

real estate transfer

- sale of manufactured housing park to tenants' association exempt . . . . . **HB 294**
- temporary increase . . . . . **HB 276am**

set by commissioner. . . . . **HB 107am**

tobacco

- portion to catastrophic illness program . . . . . **SB 207**
- refund for destroyed stamps . . . . . **HB 316**

**Teachers**

- certification, limitation on expenditures. . . . . **HB 300**
- retirement system, cost of living increase . . . . . **SB 175**
- shortage, study. . . . . **HB 281**

**Technical assistance**

- manual prepared for municipalities by revenue administration . . . . . **HB 107am**
- to regional and local planning units . . . . . **HB 192am**
- law recodified. . . . . **HB 104am**

**Technical institute**

- campus security force. . . . . **SB 223**
- capital improvements appropriation . . . . . **HB 200am**
- dental hygienist program expanded; appropriation . . . . . **HB 347**
- tuition waived for totally disabled veterans . . . . . **SB 167**

**Telephone hotline** for missing children in state police division . . . . . **HB 230**

**Thomas More foundation**, degree granting authority. . . . . **SB 7**

**Time**, daylight saving, first Sunday in April to last Sunday in October. . . . . **HB 728**

**Tip Top House**, Mt. Washington, 1983 restoration appropriation increased . . . **HB 79**

**Tobacco tax**

- portion to catastrophic illness program.....SB 207
- refund for destroyed stamps.....HB 316

**Toll rates exempt from rulemaking procedures .....HB 440am****Torts, contributory and comparative fault; joint and several liability**

- repealed .....SB 122

**Tourism**

- division, commerce department.....HB 470
- joint promotional program, certain municipal bodies may participate.....SB 77

**Town clerk, tax collector, or treasurer appointed instead of elected,**

- local option .....SB 48

**Towns**

## capital improvement

- facility fees on new construction, local option .....HB 632
- plans, filed with office of state planning.....SB 35

- dogs, unlicensed or stray, shelter fee determined by agreement .....HB 29

## elections. See: Elections

- fire departments, administrative inspection warrants .....SB 21am

## highways subject to gates and bars, reopening, all expenses paid by

- petitioner.....HB 215

- master plans updated every 5 years .....HB 231

- meeting day holiday, tax bills, mailing dates .....SB 181

- motor vehicle permits denied if parking fines unpaid .....HB 682

- nuclear emergency response plan adequacy determined by town meeting....SB 37

## ordinances

## penalty provisions; concurrent jurisdiction of district courts;

- temporary restraining orders.....HB 403am

## presumption of procedural compliance .....HB 416

- participation in joint promotional advertising program .....SB 77

## petitions to transportation department for relocation of toll booths or

- widening access roads to relieve traffic problems .....SB 157

- pooled risk management programs .....HB 608am

## public assistance, recipient may be required to work in community or for

- nonprofit organization, exceptions.....HB 530am

## refunding bonds, public hearing on issue exceeding \$100,000; debt limit

- the same .....SB 235

- selectmen or council member; alternates, appointments and terms .....HB 186

- state election ballots may be destroyed after 60 days .....HB 591

- tax rates set by municipalities, study .....HB 497

**Toxic air pollutants defined.....HB 364****Trade schools, private, bond limit and license fees increased.....HB 658****Traffic safety commission, advisory committee repealed .....HB 109am****Trailer parks. See: Manufactured housing parks****Trails along state highways for off highway recreational vehicles, study ....HB 196****Transfers, fraudulent, uniform act .....SB 71****Transportation**

- and construction bureau replacing eminent domain bureau .....HB 725

## commissioner, information signs on interstate highways, national

- standards .....SB 209

## department

- biannual regional conference with safety department .....HB 582

**Transportation (cont.)**

- capital improvements appropriation .....HB 100  
HB 200
- cooperation with Derry and Londonderry in design for new exit  
for I-93 .....HB 200am
- eastern NH turnpike, installation of overhead lights at certain exits,  
appropriation .....SB 150
- Franklin-Laconia bypass, bridge between routes 3-A and 127;  
appropriation .....SB 10
- Franklin-Laconia connector; appropriation.....SB 20
- highway construction and reconstruction priority list based on  
legislative intent .....SB 156
- I-93 exit 21, funds reserved.....HB 200am
- implementation of reorganization and other legislative directives, study ..SB 99
- Keene bypass extension between routes 9 and 10, land acquisition,  
engineering, and environmental studies, appropriation .....SB 128am
- relocation of toll booths or widening of access roads to relieve traffic  
problems.....SB 157
- requests for expenditures over appropriations submitted to legislative  
fiscal committee and governor and council.....HB 300am
- route 1, MA border to Portsmouth, reconstruction to increase capacity  
and safety, feasibility study.....SB 75
- routes 9 and 155 in Dover, construction of 4-way intersection,  
appropriation.....HB 200am
- routes 9 and 155 in Dover, intersection improvements, appropriation .....SB 151

**Trappers**

- injury to unlicensed dog, not liable; report of catch to include domestic  
animals .....SB 19
- interference with prohibited, damages.....HB 54

**Treasurer, state**

- bank deposits exceeding limits, 30 days to bring within limits.....HB 431
- salary; transfer of power, term .....SB 202
- trust funds invested by objective of administrator; annual reports.....HB 657

**Trucks. See: Motor vehicles, trucks**

**Trust accounts, real estate transaction deposits, interest to**

- nonprofit organizations or low income housing .....HB 532am

**Trust funds, state, administrators to notify treasurer of investment**

- objectives.....HB 657

**Tuftonboro, Melvin Village community church, 150th anniversary**

- commemorated .....SCR 1

**Turnpikes**

- central NH, toll barrier south of Nashua, estimated completion date  
delayed to 1994.....SB 155am
- one-way tolls, study .....SB 97
- relocation of toll booths or widening access roads to relieve traffic  
problems.....SB 157
- restaurants, study .....HB 224

**U**

- Underground storage tanks, leaks, clean-up loans .....SB 211**
- Unemployment compensation, wages and benefits .....HB 578**

<b>Uniform allowance, national guard, newly commissioned second lieutenants and warrant officers</b>	<b>HB 30</b>
<b>Uniform commercial code</b>	
article 8 uniform amendments	<b>SB 70</b>
farm products, security interest, registration with secretary of state, central indexing system	<b>HB 679</b>
leases	<b>SB 208</b>
<b>Uniform laws</b>	
fraudulent transfers	<b>SB 71</b>
limited partnerships	<b>SB 69</b>
<b>United Energy Systems, Inc. (Nashua), charter reinstated</b>	<b>SB 193</b>
<b>US</b>	
congress urged to	
amend Price-Anderson Act for full liability coverage of nuclear accidents	<b>HCR 3</b>
enact a National Housing Partnership Act	<b>HCR 4</b>
<b>Constitution</b>	
bicentennial commission, appropriation	<b>HB 26</b>
convention requested to make abortion illegal	<b>SCR 2</b>
district court, liability insurance, declaratory judgment to determine coverage	<b>HB 393am</b>
government officials, 15% salary increase, opposed by NH senate	<b>SR 2</b>
senators, member of state party convention, conditions	<b>HB 522</b>
ship, Stark, tragedy, moment of silent prayer	<b>1833</b>
<b>University of NH</b>	
agricultural experiment station, 1987 centennial year	<b>HJR 1</b>
cooperative extension service	
funding and efficiency study	<b>HB 367</b>
supplemental appropriation	<b>HB 366</b>
system	
capital improvements appropriation; competitive bids	<b>HB 100</b>
	<b>HB 200</b>
study committee chairman elected biennially from membership	<b>HB 32</b>
<b>Urea-formaldehyde prohibited in new housing</b>	<b>HB 67</b>

## V

<b>Vacation travel office</b> , information services at rest areas.....	<b>HB 660</b>
<b>Vehicles</b> , petroleum powered, removal of submerged vehicles from surface waters.....	<b>HB 220</b>
<b>Venue</b> , landlord and tenant, civil actions, where real property is located....	<b>HB 190</b>
<b>Veterans</b>	
disabled, totally and permanently, homestead exemption, disabilities expanded.....	<b>HB 232</b>
education service, sunset renewal.....	<b>HB 160</b>
home	
1985 capital improvements appropriation extended.....	<b>HB 100am</b>
admission, service in time of war required.....	<b>HB 43</b>
capital improvements appropriation.....	<b>HB 200</b>
site evaluation for cemetery, 1985 capital improvements appropriation extended.....	<b>HB 200am</b>
sunset renewal.....	<b>HB 151</b>
needs committee, vice-chairman added.....	<b>HB 266</b>

**Veterans (cont.)**

- organizations, list of tax exempt property filed with tax and land appeals
  - board .....HB 295
- Purple Heart recipients, special number plates .....HB 462
- resource/counseling center, appropriation .....SB 82
- totally disabled, tuition waived at technical institute or
  - vocational-technical colleges .....SB 167

- Veterinarian**, state, investigation of complaints of cruelty to animals and
  - enforcement of laws .....HB 656

**Veterinary examiners board**

- sunset renewal; preliminary hearings, vacancies .....HB 127am
- supplemental appropriation .....HB 366

- Veterinary/medical/optometric** education program, sunset renewals .....HB 177

- Vice president**, Sen. Eleanor P. Podles appointed .....10

- Victim/witness assistance office**, appropriation .....HB 288

**Village districts**

- commissioners, alternates, appointments and terms .....HB 186
- refunding bonds public hearing on issue exceeding \$100,000; debt limit
  - the same .....SB 235

**Vocational technical colleges**

- nursing programs, loan amounts increased .....HB 658
- tuition waived for totally disabled veterans .....SB 167

**Voluntary corporations.** See: Corporations, voluntary

**Volunteers**

- charitable organizations or governmental entities, liability limited .....SB 120
- fish and game department, defense and indemnification .....HB 60
- grant programs, senior companions and foster grandparents,
  - appropriation .....HB 338

**W**

**Wages**

- business closing, officers personally liable .....SB 117
- defined for workers' compensation to include benefits .....HB 697

**Wakondah Pond**, Moultonborough, internal combustion engines

- prohibited .....HB 31

- Walking disabled**, special license plate, study .....HB 641am

- Wallop-Breaux federal funds**, boat launching sites .....HB 255

- Walpole**, Westminster Bridge rehabilitation appropriation bonds .....HB 260am

- War orphans scholarships**, sunset renewal; free tuition, payments .....HB 174am

**Waste.** See also: Hazardous waste; Sewage disposal; Solid waste;

Water pollution control

- low-level radioactive disposal sites, use of eminent domain to take private
  - property, prohibited .....HB 195
- management division, laboratory certification .....HB 575
- radioactive, high level, transportation, production, burial, and storage
  - prohibited .....HB 568
- water treatment systems, state policy for funding .....HB 250am

**Water**

- contaminated by oil pollution, provision of interim supplies .....HB 561
- laws, recodification committee report, deadline extended .....HB 24
- pollution control
  - clean water act amendments, state revolving fund, bonds issued .....SB 212



**Water pollution control (cont.)**

removal of submerged petroleum powered vehicles from surface waters.....	HB 220
revolving loan fund; funding mechanism study.....	SB 10am
septic system violations, administrative fine .....	HB 336am
quality impact plans, permit required .....	HB 336
resources board, approval of public utilities' water use .....	HB 280
resources division	
capital improvements appropriation .....	HB 200am
groundwater mapping program, 1985 appropriation changed, non-lapsing.....	HB 200am
supply and pollution control	
commission, Winnepesaukee River basin, 1983 capital improvements appropriation changed.....	HB 200
division, approval of expansion of use of private sewage disposal systems; waterfront property; report on adequacy of system before sale. . .	HB 240am
division, approval of public utilities' water use.....	HB 280
underground storage leaks, cleanup loans.....	SB 211
treatment facilities, financial aid for specific projects.....	SB 212
<b>Waterfront property</b> , report on adequacy of sewage disposal system to water supply and pollution control division before sale .....	HB 240am
<b>Waters</b> , classification upgraded, Beaver Brook, Pennichuck Brook, and Salmon Brook .....	HB 225
<b>Weapons</b> , possession by those convicted of federal felonies or out of state drug connected felonies prohibited .....	SB 109
<b>Webster Lake Association, Inc.</b> , charter reinstated .....	HB 66am
<b>Weeks traffic circle and access roads</b> , Dover; improvements appropriation .....	SB 187
<b>Weights and measures</b> , sealer in Nashua reinstated.....	SB 230
<b>Weirs</b> , use regulated on Lamprey River .....	HB 503am
<b>Welfare</b> . See: Public assistance	
<b>Wentworth-Douglass Hospital</b> (Dover), charter amended; incorporators and trustees, any number from any location; hospital in Dover or elsewhere .....	HB 482
<b>Westminster bridge</b> , (Walpole), rehabilitation appropriation, bonds .....	HB 260am
<b>Wetlands board</b> , major projects, permits approved by governor and council .....	HB 184
<b>Whistleblowers' protection act</b> .....	HB 465
<b>White</b> , Wilmont S., elected clerk .....	.9
<b>Wildflowers</b> , native, protection.....	SB 172
<b>Wills</b> , bonds waived for administrator sole heir; sureties waived for estates under \$25,000 .....	HB 40
<b>Winchester school district election nullified</b> ; special election authorized .....	SB 61am
	HB 167
<b>Wine</b>	
importers, direct sale to off sale licensees .....	HB 652
premium to fund alcohol and drug abuse services .....	HB 319
redefined .....	HB 259am
<b>Winnepesaukee River Basin</b> , waste treatment facility, additional state funds .....	SB 212

<b>Wiretapping and eavesdropping</b> , definitions expanded; federal provisions adopted .....	SB 239
<b>Witnesses</b>	
criminal proceedings, compelling evidence, use immunity .....	SB 108
/victims, assistance office, appropriation .....	HB 288
<b>Women</b> , commission on status, sunset renewal; administratively attached to secretary of state .....	HB 126am
<b>Wood harvesting associated with biomass energy facilities</b> , regulation and supervision, study .....	HB 670am
<b>Workers' compensation</b>	
failure of carriers or self-insurers to make payments to funds, penalty; claims for child support .....	HB 241
firefighters, cancer, prima facie presumption, occupationally related ...	HB 671am
liens against uninsured motorist recoveries deleted .....	HB 675
lump sum payments	
excluded from definition of wages .....	HB 578
retirement benefits not reduced .....	HB 576
medical and vocational benefits to start while appeal is pending .....	HB 702
new disability benefits within 4 years .....	HB 687
wages defined to include benefits and gratuities .....	HB 697
<b>Wrestling</b> . See: Boxing and wrestling	
<b>Wrongful birth actions prohibited</b> ; exceptions .....	SB 23

## Y

<b>Youth development center</b>	
1981 and 1983 improvements appropriations extended; approval of capital budget overview committee .....	HB 100am
1985 appropriations extended; approval of capital budget overview committee .....	HB 200am
confinement of children, alternatives investigated, study repealed .....	SB 65

## Z

<b>Zoning</b> . See also: Planning	
boards of adjustments	
appeals restricted to matters concerning zoning ordinances .....	HB 718
members elected or appointed, local option .....	SB 111
manufactured housing, located in most areas permitting residential uses .....	SB 231
master plans updated every 5 years .....	HB 231
ordinances	
injunctions for violations .....	HB 403
multi-family housing may not be excluded .....	SB 149
purposes to include affordable housing for low and moderate income people; innovative land use controls .....	SB 129

## SENATE JOURNAL 1987

### NUMERICAL INDEX

This index, arranged by bill and resolution number, gives page numbers for all action in the Senate on each numbered bill and resolution. They are listed in the following order:

<b>SB</b>	Senate Bills
<b>SJR</b>	Senate Joint Resolutions
<b>SCR</b>	Senate Concurrent Resolutions
<b>SR</b>	Senate Resolutions
<b>HB</b>	House Bills
<b>HJR</b>	House Joint Resolutions
<b>HCR</b>	House Concurrent Resolutions
<b>CACR</b>	Constitutional Amendment Concurrent Resolutions

To find a bill by its subject see the Subject Index immediately preceding this numerical index. All matters not relating to bills and resolutions will be found in the Subject Index.

The abbreviations listed below are used in the Numerical Index.

<b>adop</b>	adopted
<b>am</b>	amended, amendment
<b>Com</b>	re-referred to committee
<b>conc</b>	concurred
<b>conf</b>	conference committee
<b>enr</b>	enrolled
<b>Finance</b>	referred to Finance committee
<b>H</b>	House
<b>intro</b>	introduced, introduction
<b>IP</b>	indefinitely postponed
<b>K</b>	killed (inexpedient to legislate)
<b>LT</b>	laid on table
<b>nonconc</b>	nonconcurred
<b>psd</b>	passed
<b>RC</b>	roll call
<b>rcmt</b>	recommitted
<b>recon</b>	reconsideration, reconsidered
<b>rej</b>	rejected
<b>rep</b>	report
<b>req</b>	request, requested
<b>study</b>	referred to interim study committee
<b>wthd</b>	withdrawn, withdrew, withdrawal

## SENATE BILLS

**SB1-A**, Establishing the New Hampshire land conservation investment program and making an appropriation therefor.(Blaisdell et al)  
105, remt 415, am & Finance(RC) 547-561, LT(RC) 708-726, am & remarks 829-834, psd 858, sponsors listed 859-860, nonconc H am, conf 1677, 1692, 1693, rep adop 1821, 1822, enr am 1906, enr 1912 (Chapter 340)

**SB2** Mandating health insurance for alcoholism and drug dependency treatment.  
(McLane et al)  
105, am (2 RC's) 629-640, psd 666, recon rej 667, H Com 1696

**SB3** Not Introduced

**SB4** Not Introduced

**SB5** Not Introduced

**SB6-FN**, To provide 3 additional field staff and additional equipment to the division of air resources for statewide air quality monitoring and making an appropriation therefor. (Disnard)

**First new title:** To provide 2 additional field staff and additional equipment to the division of air resources for statewide air quality monitoring and making an appropriation therefor.

**Second new title:** Establishing a joint study committee of the house and senate relative to additional staff and equipment for the division of air resources.

31, Finance 85-87, am 770-772, psd 812, nonconc H am, conf 1678-1679, 1694, rep adop 1821, 1822, enr 1893 (Chapter 369)

**SB7**, Granting degree granting authority to the Thomas More Foundation. (Roberge)  
31, K 561

**SB8**, Granting counties the authority to acquire and operate public utilities. (Bond)  
31, psd 73-75, 83, H nonconc 1666

**SB9**, Relative to compensatory damages under the anti-discrimination law. (Bond)  
32, K(RC) 67-72

**SB10-A**, Authorizing the construction of the Franklin-Laconia bypass and bridge over the Pemigewasset River and making an appropriation therefor. (Chandler)

**First new title:** Permitting state participation in a Clean Water Act state revolving loan fund.

**Second new title:** Permitting state participation in a Clean Water Act state revolving loan fund and making an appropriation therefor and making an appropriation to the Conway village fire district for its sewage treatment system.

40, am 760-761, psd 811, noneconc H am, conf 1676-1677, 1693, new conf 1722, rules suspended & rep adop 1827, enr am 1890, enr 1910 (Chapter 341)

**SB11-A**, Relative to replacing the Hampton Beach seawall and making an appropriation therefor. (Preston et al)

40, am & Finance suspended 44-46, psd 82, recon rej 83, H conc 121, enr 104 (Chapter 3)

- SB 12.** Relative to the operation of motors on Clarksville Pond in the town of Clarksville. (Bond)  
**New title:** Relative to the operation of motors on Clarksville Pond in the town of Clarksville, the posting of Clarksville Pond, and the reinstatement of the propagation license issued to the Balsams Corporation for Lake Gloriette.  
40, psd 46, 82, nonconc H am, conf 864, 1048, rep adop 1708, enr am 1890-1891, enr 1927 (Chapter 390)
- SB 13-FN.** Increasing the assets permitted in order to qualify for the expanded elderly exemption. (Chandler)  
40, K 132
- SB 14-FN.** Relative to apportioning costs of cooperative school districts. (Chandler)  
40, K 1898
- SB 15-FN.** Relative to non-smoking areas in areas where food is served. (Chandler)  
40, K 282
- SB 16.** Allowing the award of attorney fees, court costs, and reimbursement of collection agency fees in actions to collect debts. (Chandler)  
40, am 87-88, psd 97, H nonconc 1050
- SB 17.** Relative to landlords and tenants. (Chandler)  
41, K 606
- SB 18.** Relative to the integrated bar. (Chandler)  
41, K ( RC) 88-95
- SB 19.** Relative to the liability of a trapper for an unlicensed dog. (Heath and Rep. Dickinson of Carroll Dist. 2)  
**New title:** Relative to the liability of a trapper for an unlicensed dog and the trapper's report of catch.  
41, am 47-52, psd 83, H nonconc 917
- SB 20-A.** Relative to the Franklin-Laconia connector and making an appropriation therefor. (Chandler and Freese)  
41, K 748
- SB 21.** Relative to administrative inspection warrants. (Hough).  
42, am 316-318, psd 331, conc H am 1572, enr am 1700, enr 1830 (Chapter 342)
- SB 22.** Prohibiting surgery on minors without parental consent. (Chandler).  
42, K 95
- SB 23.** Relative to wrongful birth actions. (Chandler).  
42, K 158
- SB 24.** Prohibiting abortions in the second and third trimester of pregnancy. (Chandler).  
**New title:** Prohibiting abortions in the third trimester of pregnancy.  
42, am 182-183, psd 191, H nonconc 917
- SB 25.** Establishing that human life begins at conception. (Chandler).  
42, psd 157-158, 191, H nonconc 917

**SB26**, Prohibiting homosexuals from donating blood. (Chandler).

**First new title:** Prohibiting homosexuals from adopting, being foster parents, or running day care centers.

**Second new title:** Prohibiting homosexuals from adopting or being foster parents.  
42, remt (2 RC's) 128-129, LT 449, am 459-464, psd 503, conc H am 1689, enr 1831 (Chapter 343)

**SB27-FN**, Relative to the commemorative rifle or shotgun lottery. (Heath et al)

**New title:** Relative to the commemorative rifle or shotgun lottery and the penalty for throwing refuse in and around public waters.

42, psd 52-53, 83, nonconc H am, conf 1573-1574, 1664, rep adop 1821, 1822, enr am 1855, enr 1910 (Chapter 344)

**SB28-FN**, Relative to naming an unnamed route between state Route 175 and U.S. Route 3, in the towns of Holderness and Plymouth, Route 175-A. (Hounsell)

42, psd 80-82, 83, H conc 1049, enr 1230 (Chapter 125)

**SB29**, Relative to the appointment of a caretaker for the "Old Man of the Mountain." (Hounsell)

42, psd 53-54, 83, conc H am 864, enr am 975, enr 1231 (Chapter 126)

**SB30**, Relative to communicable diseases. (Chandler et al)

42, K 75-76

**SB31-FN-A**, Relative to the department of health and human services, and making an appropriation therefor: (Blaisdell et al)

rules suspended, intro & psd 54-67, 83, H conc 297, enr 410 (Chapter 6)

**SB32-FN**, Abolishing the insanity defense, providing for a verdict of guilty but mentally ill, and relative to committal orders. (Roberge)

84, K 158-159

**SB33**, Relative to the language, phrasing, and explanation of ballot questions. (Roberge and Rep. Stiles of Hillsborough Dist. 34)

84, study 151

**SB34**, Relative to the advisory budget control committee and the fiscal committee. (Torr et al)

**New title:** Relative to the advisory budget control committee and the fiscal committee, the legislative budget assistant, and legislative audit and oversight.

85, psd 151-152, 190, nonconc H am, conf 1687, 1692-1693, rules suspended & rep adop 1816-1817, enr am 1913-1914, enr 1927 (Chapter 416)

**SB35**, Relative to the filing of capital improvement plans by municipalities and the effect of failure to file. (Bond)

85, am 132-133, psd 136, H conc 863, enr 898 (Chapter 50)

**SB36-FN-A**, Establishing a state liquor store in the town of Belmont and making an appropriation therefor: (Chandler)

85, Finance 179-182, K 1898

**SB37**, To clarify the relationship between the state civil defense agency and local governments regarding development of nuclear emergency response plans. (Krasker et al)

98, IP(RC) 268-278



**SB38**, Relative to Rust Pond in the town of Wolfeboro. (Heath)  
98, K 512

**SB39**, Removing the reference to a candidate's domicile on state general election and primary election ballots. (Heath)  
98, K 121

**SB40-FN-A**, Relative to catastrophic aid, and making an appropriation therefor. (Krasker et al)

**New title:** Relative to catastrophic aid.

98, am & LT (2RC's) 137-150, recon, am(RC) & Finance 184-190, remt 772-779, rules suspended & am 882-886, psd 893, conc H am 1676, enr 1892 (Chapter 345)

**SB41**, Relative to unclassified state employees (Hounsell)

**New title:** Establishing a task force to study unclassified state employee residency requirements.

98, LT 121-122, am 131-132, psd 136, nonconc H am, conf 1687, 1692, rep adop 1821, 1822, enr 1910 (Chapter 346)

**SB42**, Relative to employees of the sweepstakes commission. (Hough)

98, psd 122-123, 136, conc H am 864, enr 955 (Chapter 57)

**SB43-FN**, Relative to regional banking. (Freese et al)

98, am (2RC's) 332-374, psd 411, conc H am 1572, enr 1655 (Chapter 155)

**SB44-FN**, Creating additional exemptions under the interest and dividends tax. (Chandler)

101, K 286

**SB45-FN-A**, To phase out the interest and dividends tax. (Chandler)

101, K 286

**SB46-FN-A**, Relative to catastrophic illnesses and making an appropriation therefor. (Heath)

101, K 161-163

**SB47-FN-A**, Establishing an industrial agent for Sullivan and Cheshire counties and making an appropriation therefor. (Disnard et al)

101, am & Finance 255-259, K 803

**SB48**, Relative to the appointment of certain town officers. (Roberge)

102, psd 265-267, 290, H nonconc 863

**SB49**, Relative to high school graduation. (Chandler)

102, K 150-151

**SB50**, Relative to damages from construction (Blaisdell)

102, am(RC) 240-244, psd 289, recon rej 290, H nonconc 1696

**SB51**, Relative to airboats, mufflers, and decibel levels of boats. (Blaisdell et al)

102, am 299-300, psd 331, conc H am 1571, enr am 1725, enr 1893 (Chapter 370)

**SB52**, Relative to modifying planning board procedures on plats. (Podles)

102, K 259

- SB53**, Relative to appeals of decisions made by local land use boards. (Podles)  
102, K 260
- SB54**, Relative to the investments of non-profit health service corporations. (Podles)  
102, rcmt 384, recon & am 408-410, psd 411, H conc 1567, enr 1577 (Chapter 156)
- SB55**, Relative to parent and pupil rights. (Chandler)  
102, K(RC) 304-306
- SB56**, Relative to false impersonation of a law enforcement officer or investigator. (Nelson et al)  
**New title:** Relative to false personation of a law enforcement officer or investigator.  
102, am 244-245, psd 289, conc H am 1571, enr 1689 (Chapter 214)
- SB57**, Relative to change of name and address of a corporation. (Podles)  
102, am 210-211, psd 289, H conc 816, enr 864 (Chapter 22)
- SB58**, Granting Cheshire Fair security guards the authority to detain persons on Cheshire Fair property. (Blaisdell)  
**New title:** Relative to detention powers of county fair security guards.  
102, psd 384, 411, conc H am 954, enr 1087 (Chapter 85)
- SB59**, Creating a New Hampshire civil law review board to review citizen's complaints against lawyers and judges. (Chandler)  
102, K 160
- SB60**, Relative to referees, auditors and masters. (Chandler)  
102, K 160
- SB61**, Relative to non-judicial officers appointed to hear cases. (Chandler)  
102, K 160-161
- SB62**, Relative to counting absentee ballots in cities and towns which use voting machines. (Nelson et al)  
103, psd 260-261, 289, nonconc H am, conf 1574, 1665, rep adop 1821, 1822-1823, enr 1893 (Chapter 371)
- SB63-FN-A**, Establishing the Alana J. Cole state park and making an appropriation therefor. (Hough)  
**First new title:** Establishing a state park on the Connecticut River and making an appropriation therefor.  
**Second new title:** Acquiring land on the Connecticut River and making an appropriation therefor.  
103, am & Finance 300-302, am 866-867, psd 892, conc H am 1676, enr 1830 (Chapter 347)
- SB64**, Legalizing the New London-Springfield water system precinct meeting of March 18, 1986. (Hough and Rep. Kidder of Merrimack Dist. 2)  
**New title:** Legalizing all votes pertaining to bond or note issues taken at the New London-Springfield water system precinct meeting of March 18, 1986, and relative to the legalization and ratification of actions taken at certain town meetings and relative to the Winchester school district election held March 19, 1987.  
103, psd 464-465, 503, nonconc H am, conf 1687, 1693, rep adop 1710, 1721, enr am 1828-1829, enr 1893 (Chapter 259)

- SB65**, Repealing the authorization for a committee to investigate the confinement of children. (Bartlett)  
103, psd 384-385, 411, H conc 815, enr 864 (Chapter 23)
- SB66**, Relative to the office of reimbursements. (McLane)  
103, am 163-164, psd 191, H conc 897, enr 955 (Chapter 58)
- SB67**, Increasing the local share of hazardous material transportation fund fees allocated to local emergency response programs. (Delahunty)  
103, Finance 152-153, psd 578-580, 665, conc H am 1572, enr am 1701-1702, enr 1830 (Chapter 348)
- SB68**, Allowing 18 year olds to register to vote at high schools. (Preston)  
103, LT 208-210, K 1898
- SB69**, Enacting the uniform limited partnership act. (McLane)  
103, am 211-233, psd 289, H conc 1696, enr am 1856, enr 1909 (Chapter 349)
- SB70**, Amending article 8 of the uniform commercial code. (McLane)  
103, psd 233, 289, H conc 1697, enr am 1906-1907, enr 1912 (Chapter 350)
- SB71**, Adopting the uniform fraudulent transfer act. (McLane)  
103, psd 233, 289, H conc 1697, enr 1702 (Chapter 215)
- SB72**, Relative to the industrial development authority and industrial development revenue bonds. (Blaisdell and Bartlett)  
103, psd 302-303, 331, conc H am 1689, enr 1830 (Chapter 351)
- SB73**, To revive the charter of the First Congregational Church of Salem. (Delahunty)  
103, psd 261, 290, H conc & enr 703 (Chapter 11)
- SB74-A**, Relative to the port authority and making an appropriation therefor. (Krasker et al)  
**New title:** Relative to the port authority.  
103, Finance 589-590, am 772, psd 812, H conc 1049, enr 1230 (Chapter 145)
- SB75-A**, Authorizing the study of the feasibility of reconstructing U.S. Route 1 from the Massachusetts line to Portsmouth, New Hampshire, to increase capacity and safety, and making an appropriation therefor. (Krasker et al)  
104, am 762-763, psd 811, nonconc H am, conf 1679, 1694, rep adop 1821, 1823, enr 1909 (Chapter 352)
- SB76**, Relative to records management and archives. (Preston)  
104, psd 152, 191, conc H am 1689, enr am 1854-1855, enr 1910 (Chapter 353)
- SB77-FN**, Enabling certain municipal bodies to participate in the joint promotional advertising program. (Preston)  
104, psd 261-265, 290, H nonconc 917
- SB78-FN-A**, Relative to benefits for a spouse upon the death of a retired group II member. (Dupont and Rep. Fields of Hillsborough Dist. 13)  
105, am & Finance 377-382, psd 791-792, 812, conc H am 1676, enr 1709 (Chapter 216)

- SB79-FN-A**, Providing for 40 new troopers for the division of state police and making an appropriation therefor. (Preston et al)  
105, K 581-582
- SB80**, Amending the statutory speed limit on certain highways of the state. (St. Jean)  
105, am(RC) 165-169, psd 191, conc H am 1571, enr 1690 (Chapter 217)
- SB81-FN-A**, To increase the shelter allowance for aid to families with dependent children, and making an appropriation therefor. (McLane)  
105, am & Finance 494-500, K 795-796
- SB82-FN-A**, Relative to funding for the New Hampshire Veterans Resource/Counseling Center, and making an appropriation therefor. (Heath)  
106, am & Finance 606-607, psd(RC) 796-803, 813, recon notice 816, recon & K 834-838
- SB83**, Relative to distributing political campaign literature at polling places on election day. (Heath)  
106, am 564-568, psd 665, nonconc H am, conf 1574, 1665, rep adop 1821, 1823, enr am 1908-1909, enr 1912 (Chapter 354)
- SB84**, Restricting the use of double trailers in cities and towns of the state. (St. Jean)  
106, LT 169-177, (RC) 664, 1565-1566, K 1898
- SB85-FN**, Establishing a special environmental court within the Manchester district court. (Podles and St. Jean)  
106, am 447-449, psd 502, nonconc H am, conf 1687-1688, 1692 (IP)
- SB86-FN-A**, Relative to a memorial for Governor Sherman Adams. (Freese et al)  
**New title:** Relative to a memorial for Governor Sherman Adams and making an appropriation therefor.  
106, Finance waived 200-201, psd 289, conc H am 1675, enr am 1829-1830, enr 1909 (Chapter 355)
- SB87**, Relative to the confidentiality requirement for explosive licenses. (Dupont)  
106, psd 282, 290, H conc & enr 703 (Chapter 20)
- SB88**, Relative to periodic payment of certain future damages. (Freese et al)  
106, study 377
- SB89**, Relative to electric utility rate increases. (St. Jean)  
106, study 465
- SB90**, Relative to amusement parks. (St. Jean)  
106, am 374-376, psd 411, nonconc H am, conf 1574, 1665, rep adop 1821, 1823, enr am 1913, enr 1927 (Chapter 415)
- SB91**, Establishing a committee to evaluate the foundation aid formula. (Dupont and Heath)  
106, am & Finance 306-307, am 582, psd 665, conc H am 1572, enr 1690 (Chapter 264)
- SB92**, Relative to special elections for city and ward officers (Dupont)  
106, psd 153, 191, H conc 1049, enr 1230 (Chapter 127)

**SB93**, Relative to reorganization. (Dupont)  
106, K 568

**SB94**, Providing the legislative budget assistant with access to certain records. (Dupont)  
106, rcmt 385, am 661-663, psd 667, H conc 1050, enr am 1578-1579, 1917-1920, enr 1927 (Chapter 391)

**SB95-FN-A**, To reimburse the mediator of the Eidelweiss-Madison negotiations, and making an appropriation therefor. (Heath and Rep. Holmes of Carroll Dist. 3)  
107, Finance waived, psd 290, H nonconc 897

**SB96-FN**, Relative to local control and regulation of granite quarry operations. (Johnson)  
107, study 303

**SB97-FN**, Establishing a study committee relative to the feasibility of one-way tolls on part of the turnpike system. (Bartlett)  
107, am 177, psd 191, H conc 1049, enr 1230 (Chapter 128)

**SB98-FN**, Relative to the certificate of need program. (Bartlett)  
107, study 628-629

**SB99-FN**, Establishing a study committee to determine whether the department of transportation has fully implemented the legislative directives of the general court. (Bartlett)  
107, am & Finance 283-284, psd 583, 665, H conc 1050, enr am 1578, enr 1655 (Chapter 211)

**SB100**, Relative to exemption from regulation of the design, construction and alteration of certain small structures. (Bartlett)  
107, psd 153, 191, H nonconc 863

**SB101**, Relative to political campaign contributions by state employees. (St. Jean)  
107, psd(RC) 590-593, 666, H conc 916, enr 1036 (Chapter 119)

**SB102-FN**, Establishing a study committee to assess the need for enterprise zones. (Bond)  
107, am 254-255, psd 289, H nonconc 863

**SB103**, Relative to motor vehicle license examinations. (Dupont)  
107, am 640-641, psd 666, H conc 1049, enr am 1578, enr 1655 (Chapter 212)

**SB104-FN-A**, Relative to the rate of the business profits tax. (Dupont and Heath)  
107, K 286

**SB105-FN**, Relative to the central interagency motorpool study committee. (White and Rep. McCain of Rockingham Dist. 11)  
107, psd 283, 290, H conc 1049, enr 1230 (Chapter 146)

**SB106**, Relative to the responsibilities of the commissioner of safety. (Dupont)  
**New title:** Relative to the department of safety.  
107, psd 153-154, 191, nonconc H am, conf 1688, 1692, rep adop 1821, 1823, enr am 1890, enr 1910 (Chapter 356)

- SB107-FN-A**, Relative to the New Hampshire state airport system plan and making an appropriation therefor. (Dupont)  
107, Finance 283, psd 583, 665, H conc 1665, enr am 1724-1725, enr 1893 (Chapter 357)
- SB108**, Relative to immunity in criminal cases. (Dupont)  
108, psd 393-394, 411, H nonconc 1567
- SB109**, Expanding the prohibition on possession of dangerous weapons by felons. (Dupont)  
108, am 450-451, psd 502, conc H am 1571, enr 1690, veto sustained 1929-1930
- SB110**, Requiring the publication of certain opinions of the attorney general. (Hounsell)  
108, study 586
- SB111**, Relative to electing zoning board of adjustment members. (Hounsell)  
108, am 607-608, psd 666, H nonconc 1050
- SB112-A**, Making an appropriation to the department of safety for certain capital improvements. (White et al)  
108, am 763-764, psd 811, H nonconc 1665
- SB113**, Relative to legal services. (Nelson)  
108, study 392
- SB114**, Relative to recording of sentences of drug offenders. (Hounsell and Dupont)  
108, K 394
- SB115**, Relative to marriage. (St. Jean and Stephen)  
108, psd 398, 411, H conc 1567, enr am 1699, enr 1709 (Chapter 218)
- SB116**, Relative to fees for provision of electronic fund transfer services to financial institutions. (Stephen)  
108, K 374
- SB117**, Relative to the payment of employee wages. (Podles et al)  
108, study 399
- SB118**, Relative to rate setting for special education and the division for children and youth services. (Roberge)  
108, K 308-309
- SB119**, Requiring identification badges for the press while in the state house or legislative office building. (Charbonneau et al)  
108, K 586-587
- SB120**, Granting immunity from personal civil liability, under certain circumstances, to volunteers working on behalf of nonprofit organizations and governmental entities. (Roberge and McLane)  
108, study 392-393



**SB 121-FN-A**, Relative to legal costs concerning the Maine state income tax. (Dupont et al)

**New title:** Authorizing the attorney general to undertake proceedings on behalf of resident taxpayers of this state regarding certain taxes imposed by the state of Maine.

109, Finance 394-398, am 726-727, psd 811, H conc 1567, enr 1577 (Chapter 157)

**SB 122**, Relative to contributory fault and comparative fault. (Charbonneau and White)

109, K 436

**SB 123**, Amending ward lines for the city of Portsmouth. (Krasker et al)

109, psd 204-205, 289, H conc 863, enr am 954-955, enr 1036 (Chapter 86)

**SB 124-FN**, Prohibiting abortions performed on certain minors without parental consent. (Roberge and Chandler)

109, psd(RC) 452-459, 503, H nonconc 917

**SB 125-FN**, To appropriate funds for ocean disposal of Rye Harbor dredge material. (Krasker et al)

**New title:** Increasing the appropriation for coastal projects.

109, am 779, psd 812, nonconc H am, conf 1677, 1693, rep adop 1710, 1721, enr am 1856, enr 1911 (Chapter 358)

**SB 126**, Prohibiting lobbyists from occupying a certain area of the New Hampshire state house. (Charbonneau et al)

109, K 587-588

**SB 127**, Regulating abortions. (Roberge and Chandler)

109, psd 452, 503 (1P)

**SB 128-A**, Authorizing the construction of a Keene bypass extension and making an appropriation therefor. (Blaisdell et al)

109, am 767-769, psd 812, H conc 1665, enr 1831 (Chapter 359)

**SB 129-FN**, Relative to the establishment of inclusionary zoning. (Krasker et al)

109, study 465-471, recon rej 503

**SB 130-FN-A**, Relative to the trust fund for the prevention of child abuse and neglect. (Podles and Preston)

**New title:** Relative to the trust fund for the prevention of child abuse and neglect, and making an appropriation therefor.

109, am 309-315, psd 331, nonconc H am, conf 1678, 1694, new conf 1711, 1724, rules suspended & rep adop 1827-1828, enr am 1909, enr 1913 (Chapter 372)

**SB 131-FN**, Prohibiting the sale of communist-manufactured liquor and alcoholic beverages in New Hampshire. (Chandler et al)

110, K(RC) 403-408

**SB 132**, Relative to the appointment of the executive director of the department of fish and game. (Hounsell)

110, psd(RC) 540-547, 665, H Com 1050

- SB 133-FN**, Relative to immunizing children. (Podles et al)  
110, psd(RC) 489-494, 503, conc H am 898, enr am 1578, enr 1655 (Chapter 193)
- SB 134-FN-A**, To commission a study of an environmental risk insurance fund and making an appropriation therefor. (Pressly et al)  
110, am & Finance 436-437, psd 784-785, 812, nonconc H am, conf 1678, 1694, rep adop 1823, 1824, enr 1911 (Chapter 360)
- SB 135**, Relative to limiting damages recoverable for non-economic loss (Freese et al)  
110, study 377
- SB 136**, Relative to joint and several liability. (Freese et al)  
110, psd 382-384, remarks 392, psd 411 (H study)
- SB 137**, Relative to voting in state and presidential primary elections. (Stephen)  
110, am (2RC's) 568-574, psd 665, H conc 1049, enr 1231 (Chapter 129)
- SB 138**, Relative to sessions for correcting the checklist. (St. Jean and Rep. Buckley of Hillsborough Dist. 42)  
110, psd 574-575, 665, conc H am 1571-1572, enr 1690 (Chapter 219)
- SB 139**, Relative to election law dates. (St. Jean)  
110, psd 575, 665, nonconc H am, conf 1573, 1665, rep adop 1823, 1824, enr 1894 (Chapter 299)
- SB 140**, Relative to credit card interest rates charged by banks and other financial institutions. (Stephen)  
110, K 197-200
- SB 141**, Naming the interstate bridge between New Hampshire and Maine the Sarah M. Long Bridge. (White)  
**New title:** Naming the interstate bridge between New Hampshire and Maine the Sarah Mildred Long Bridge.  
110, com changed 288, rules suspended & am 500-502, psd 503, H conc 864, enr 898 (Chapter 51)
- SB 142-FN-A**, Increasing rates for shared homes and for certain residents of community living homes and making an appropriation therefor. (Freese et al)  
110-111, am & Finance 278-279, am 803-804, psd 813, H nonconc 1666
- SB 143-FN**, Reestablishing an advisory committee on state economic development and local population growth. (Heath and Rep. Bennett of Grafton Dist. 9)  
111, am 536-537, psd 665, H conc 863, enr 898 (Chapter 52)
- SB 144-FN**, Establishing a committee to study industrial development marketing. (Bond and Rep. LaMott of Grafton Dist. 5)  
**New title:** Establishing a joint promotional program for economic development, and making an appropriation therefor.  
111, am 537-540, psd 665, H nonconc 1050
- SB 145-FN**, Relative to study of the state classification system. (Dupont and Rep. Ward of Grafton Dist. 1)  
**First new title:** Relative to study of the state classification system and making an appropriation therefor and directing the facilities committee to conduct a study of salaries for unclassified state employees and making an appropriation therefor.

**SB 145-FN** (cont.)

**Second new title:** Relative to study of the state classification system and directing the personnel system task force to conduct a study of salaries for unclassified state employees and judicial branch employees and making an appropriation therefor.

111, Finance 203-204, am 736-738, psd 811, conc H am 1676, enr 1709 (Chapter 265)

**SB 146**, Establishing state speed limits consistent with the current national maximum speed limit. (Dupont)

111, K 285

**SB 147**, Relative to surety bonds. (Dupont)

111, am 608-609, psd 666, H Com 897

**SB 148**, Relative to procedures for distribution of certain federal funds allocated to the state. (Preston et al)

111, K 233-234, recon notice 298, recon & psd(RC) 327-331, H conc 1665, enr 1891 (Chapter 373)

**SB 149**, To prohibit regulations which exclude a municipality's fair share of multi-family housing. (Blaisdell)

111, LT 471-473, am 485, psd 502, nonconc H am 1573

**SB 150-FN-A**, Relative to safety improvements to the Spaulding turnpike and making an appropriation therefor. (Torr and Rep. Torr of Strafford Dist. 6)

111, study 761

**SB 151-A**, Relative to traffic improvements at the intersection of New Hampshire routes 9 and 155 and making an appropriation therefor. (Torr and Rep. Torr of Strafford Dist. 6)

111, am 764-765, psd 812, H nonconc 1050

**SB 152**, To modify the subdivision approval process. (Delahunty)

111, study 399

**SB 153-FN**, Relative to planning for the long-range energy requirements of the state and making an appropriation therefor. (Pressly et al)

**First new title:** Relative to planning for the long-range energy requirements of the state.

**Second new title:** Relative to planning for the long-range electrical energy requirements of the state.

111-112, am 530-531, psd 665, conc H am 1675, enr 1893 (Chapter 374)

**SB 154-A**, Relative to a second bridge across the Nashua River in the city of Nashua and making an appropriation therefor. (Pressly et al)

112, study 656-657

**SB 155-FN**, Relative to the collection of tolls on an incomplete turnpike highway system. (Pressly et al)

**New title:** Relative to the toll barrier north of the Massachusetts state line on the central turnpike southbound.

112, am 641-645, psd 666, conc H am 1572, enr am 1702, enr 1830 (Chapter 361)

- SB 156**, Relative to the highway construction and reconstruction programs. (Pressly et al)  
112, K 318-319
- SB 157**, Relative to the relocation of toll booths or widening of access traffic arteries that are determined to be a major bottleneck to the motoring public. (Pressly et al)  
112, am 645-647, psd 667, H nonconc 1050
- SB 158**, Relative to limitations of prosecutions of sexual assault offenses. (Pressly et al)  
112, psd 459, 503, H conc 1050, enr 1574 (Chapter 158)
- SB 159**, Relative to the regulation of gasoline franchises. (Pressly et al)  
112, am 319-320, psd 331, H nonconc 917
- SB 160**, Relative to the necessity of obtaining a permit for excavation. (Pressly et al)  
112, K 647-650
- SB 161-FN**, Relative to state annuity benefits for group II members of the New Hampshire retirement system and making an appropriation therefor. (Dupont)  
112, Finance 382, psd 785, 812, nonconc H am, conf 1678, 1694, rep adop 1824, 1825, enr 1893 (Chapter 362)
- SB 162-FN**, Establishing the New Hampshire ski area commission. (Hounsell et al)  
112, study(RC) 512-525
- SB 163-FN**, Relative to chiropractic. (Blaisdell et al)  
113, K 623-625
- SB 164-FN**, Relative to solid waste management contracts. (Disnard)  
113, study 525-529
- SB 165-FN**, Relative to the tax on municipal bonds. (Chandler)  
113, K 609
- SB 166-FN**, Abolishing the sunset review process. (Chandler)  
113, psd(RC) 234-240, 289, H nonconc 1050
- SB 167-FN**, Allowing permanently and totally disabled veterans to take courses at any state technical institute or vocational-technical college at no charge. (Chandler)  
113, K 309
- SB 168-FN-A**, Establishing a foster parents ombudsman council. (Heath)  
113, Finance 399-403, K(RC) 786-790
- SB 169-FN**, Relative to adoptive parents. (Chandler)  
113, K 403
- SB 170-FN**, Relative to licensure of mental health professionals. (Bond)  
113, psd 622-623, 666, H Com 917

**SB 171-FN**, Amending the administrative procedure act. (Blaisdell et al)  
113, K 599

**SB 172-FN**, Regulating the taking of certain wildflowers and plants in New Hampshire. (McLane et al)  
113, am 413-415, psd 502, conc H am 918, enr am 1579-1580, enr 1702 (Chapter 220)

**SB 173**, Relative to disclosure of motor vehicle defects. (Blaisdell and Preston)  
113, psd 284, 290, H conc 1567, enr 1577 (Chapter 159)

**SB 174-FN**, Eliminating the Social Security offset provision for service and disability retirement benefits for group I members under the New Hampshire retirement system. (Blaisdell et al)

**First new title:** Eliminating the Social Security offset provision for service rendered on or after July 1, 1987, for service and disability retirement benefits for Group I members under the New Hampshire retirement system.

**Second new title:** Establishing a committee to study retirement system benefits. 113, am & Finance 437-443, am 867-870, psd 892, nonconc H am, conf 1678, 1694, rep adop 1824, 1825, enr 1894 (Chapter 375)

**SB 175-FN**, Providing a cost of living increase for New Hampshire retirement system members. (Blaisdell et al)

**First new title:** Providing a cost of living increase for New Hampshire retirement system and teachers' retirement system members.

**Second new title:** Providing a cost of living increase for New Hampshire retirement system and teachers' retirement system members.

**Third new title:** Providing allowance increase to retired members and beneficiaries of the New Hampshire retirement system and predecessor systems.

114, am & Finance 443-446, am 779-782, psd 812, conc H am 1676, enr 1893 (Chapter 363)

**SB 176-FN**, Changing financial disclosure requirements. (Freese)

114, psd 385-386, 411, nonconc H am, conf 1688, 1693, rep adop 1824, 1825, enr 1893 (Chapter 298)

**SB 177**, Relative to campaign financing. (St. Jean et al)

114, study 576

**SB 178-FN**, Permitting the president of the New Hampshire Education Association to be eligible to participate in the New Hampshire retirement system. (St. Jean)

**New title:** Permitting certain non-governmental entities to be eligible to participate in the New Hampshire retirement systems.

114, psd(RC) 376-377, 411, nonconc H am, conf 1573, 1664-1665, rep adop 1710, 1721, enr am 1862, enr 1911 (Chapter 376)

**SB 179-FN**, Relative to number plates on motor vehicles. (Chandler)

114, K 284

**SB 180-FN-A**, Relative to restoring the original state house and making an appropriation therefor. (Krasker et al)

**New title:** Relative to restoring the original state house and making an appropriation therefor and relative to the legislative office building and making an appropriation therefor.

**SB 180-FN-A** (cont.)

114, am & Finance 593, psd 790-791, 812, nonconc H am, conf 1678, 1694, rep adop 1824, 1825, enr am 1889-1890, enr 1911 (Chapter 364)

**SB 181-FN**, Creating a state holiday and changing the date in towns for mailing tax bills. (Hounsell)

114, K 473

**SB 182-FN-A**, Relative to medical examinations and administrative cost assessments under the New Hampshire retirement system. (St. Jean)

114, K 377

**SB 183-FN**, Relative to coverage for mental or nervous conditions. (Podles and Krasker)

114, am 583-584, psd 666, nonconc H am, conf 1688, 1693, rep adop 1824, 1825, enr 1894, veto sustained(RC) 1930-1937

**SB 184-FN**, Relative to medical assistance for the categorically needy. (Dupont and Rep. Chambers of Grafton Dist. 12)

114, K 318

**SB 185-FN**, Allowing certain cities to set their own tax rates. (Dupont)

114, K 609

**SB 186-FN**, Relative to current use assessment and the rate of the land use change tax. (Dupont)

**New title:** Establishing a current use assessment study committee.

114, am 609-611, psd 666, H nonconc 917

**SB 187-FN-A**, Relative to the Weeks traffic circle. (Dupont and Torr)

114, am 765-767, psd 812, H conc 1665, enr 1702 (Chapter 266)

**SB 188-FN**, Relative to registration of autocycles. (Dupont)

115, K 285

**SB 189-FN**, Establishing a committee to study the economic impact of selling the Seabrook Station, Unit 1 nuclear electric generating facility. (Roberge)

115, IP(RC) 531-536

**SB 190-FN**, Relative to financial disclosure by appointed officials. (Stephen and Hounsell)

115, psd 589, 666, H nonconc 1050

**SB 191-FN**, Relative to physicians and medicaid and medicare fees. (St. Jean)

115, K 485-486

**SB 192-FN-A**, Establishing the office of state auditor. (White and Rep. McCain of Rockingham Dist. 11)

**New title:** Relative to the membership of the legislative fiscal committee and the legislative budget assistant and making an appropriation therefor.

115, am 727-736, Finance waived 810-811, psd 811, nonconc H am, conf 1688, 1693 (H IP)



- SB 193**, Reinstating the charter of United Energy Systems, Inc. (Nelson)  
**New title:** Reinstating certain corporate charters.  
115, psd 202, 289, conc H am 1571, enr 1690 (Chapter 221)
- SB 194-FN**, Relative to carrying pistols and revolvers without a license. (Nelson et al)  
115, study 459
- SB 195-FN**, Relative to nonprofit housing projects and the Senior Citizens Housing Development Corporation of Claremont, Inc. (Disnard)  
115, am 611-613, psd 666, H conc 916, enr am 1577-1578, enr 1655 (Chapter 194)
- SB 196-FN-A**, Relative to health hazards in the home. (Disnard et al)  
**New title:** Relative to health hazards in the home and making an appropriation therefor.  
115, am & Finance 487-489, K, recon, & am 792-795, psd 812, H nonconc 1666
- SB 197-FN**, Relative to alarm installers. (Bartlett)  
**New title:** Establishing a joint legislative task force to study registration, certification, or licensing of various building services trades.  
115, psd 202, 289, nonconc H am, conf 1688, 1692, rep adop 1824, 1826, enr 1927 (Chapter 392)
- SB 198-FN**, Relative to special number plates for Lions Club members. (Bartlett)  
115, K 285
- SB 199-FN**, Relative to branch banking. (St. Jean)  
115, am & remt(RC) 193-197, am 412-413, psd 502, H conc 1697, enr 1831 (Chapter 365)
- SB 200-FN**, Permitting group II state employee members who reach age 60 to make an election for retirement benefits. (McLane)  
**New title:** Permitting group II members who reach age 60 and age 65 to make an election for retirement benefits.  
115, Finance 446-447, psd 786, 812, nonconc H am, conf 1677, 1695, rep adop 1824, 1826, enr am 1921, enr 1927 (Chapter 394)
- SB 201-FN-A**, Relative to boat speeds on public waters and making an appropriation therefor.(McLane et al)  
116, am & Finance(RC) 415-427, am 782-784, psd 812 (H IP)
- SB 202-FN**, Relative to the state treasurer. (Charbonneau et al)  
**New title:** Relative to the state treasurer and the secretary of state.  
116, am(RC) & Finance 386-392, psd 785, 812, H nonconc 1567
- SB 203-FN**, Relative to fees for business entities registered or exempted under the securities laws and to limitations on the exemption for small issues of securities. (Disnard and Rep. Pantzer of Merrimack Dist. 11)  
116, K 315
- SB 204-FN**, Relative to the tax assessment of land subject to growth management ordinances. (St. Jean)  
116, K 613-617

- SB205**, Transferring the administrative authority for bingo. (Blaisdell and Dupont)  
116, am 320-323, psd 331, H noneone 863
- SB206-FN**, Providing for special number plates for organizations serving persons with walking disabilities. (Nelson and Rep. McCann of Hillsborough Dist. 31)  
116, LT 318, K 1898
- SB207-FN**, Relative to the funding of catastrophic illness from taxes on tobacco products. (Roberge)  
116, psd 323-325, 331, H noneone 1050
- SB208**, Adopting uniform commercial code article 2A-leases. (McLane)  
116, psd 576, 665, H Com 1696
- SB209-FN**, Relative to implementing national standards for specific information signs. (Hounsell and Freese)  
116, remt 286, am(RC) 650-656, psd 667, H noneone 1567
- SB210-FN**, Relative to minimum education standards for elementary and secondary schools. (Hounsell et al)  
116, study(RC) 561-564
- SB211-FN**, Relative to a license fee for clean-up of gasoline and oil underground storage tank leaks and spills. (Hounsell et al)  
**New title:** Relative to a license fee for clean-up of gasoline and oil underground storage tank leaks and spills and creating a study committee.  
116, am & Finance 428-436, am 657-660, psd 667, noneone H am, conf 1574, 1696, rep adop 1824, 1826, enr 1913 (Chapter 377)
- SB212-FN-A**, Increasing financial aid to certain municipalities for water treatment projects; making an appropriation for the Winnepesaukee River Basin treatment facility; and permitting state participation in a Clean Water Act state revolving loan fund. (Dupont et al)  
**New title:** Increasing financial aid to certain municipalities for water treatment projects and making an appropriation therefor.  
116-117, am(RC) 748-760, psd 811, noneone H am, conf 1679, 1695, rep adop 1828, enr 1927 (Chapter 395)
- SB213-FN**, Relative to utility relocation assistance. (Dupont)  
117, LT 318, study 663-664
- SB214**, Relative to the allocation of the state's tax-exempt private activity bond limit. (Blaisdell and Bartlett)  
117, psd 315, 331, H conc 863, enr am 955, enr 1036 (Chapter 120)
- SB215-FN-A**, Relative to the funeral expenditures of certain indigent recipients. (Blaisdell and Hounsell)  
117, K 282
- SB216-FN**, Establishing a fire standards and training council within the department of postsecondary vocational-technical education. (Bond)  
117, K 309

- SB217-FN**, Relative to school administrative units. (Johnson and Bond)  
117, am & Finance 308, psd 660, 667, H conc 1567, enr 1577 (Chapter 161)
- SB218**, Relative to clean indoor air. (Torr)  
**New title:** Relative to clean indoor air in restaurants.  
117, am 279-282, psd 290, H conc 916, enr 1036 (Chapter 87)
- SB219-FN-A**, Relative to treatment programs as an alternative DWI penalty and to a multiple DWI offender residential program and making an appropriation therefor. (Torr)  
**First new title:** Relative to a state operated multiple DWI offender minimum security detention center and making an appropriation therefor.  
**Second new title:** Relative to a state operated multiple DWI offender intervention detention center and making an appropriation therefor and relative to driving after revocation or suspension.  
117, am & Finance 625-628, am 738-748, psd 811, nonconc H am, conf 1677, 1694-1695, rep adop 1824, 1826, enr am 1921, enr 1927 (Chapter 396)
- SB220-FN**, Relative to redemption after a tax sale. (Torr and Rep Phelps of Merri-mack Dist. 1)  
117, Finance 617-622, psd 785, 812, conc H am 1572-1573, enr am 1700-1701, enr 1830 (Chapter 366)
- SB221-FN-A**, Relative to the due date for the meals and rooms tax return. (Freese et al)  
117, psd 325, 332, H conc 1049, enr 1574 (Chapter 160)
- SB222-FN**, Relative to increased independence of the public utilities commission consumer advocate. (Johnson et al)  
117, psd 594, 666, H nonconc 1696
- SB223-FN**, Authorizing a New Hampshire technical institute security force. (Freese)  
117, am & Finance 205-208, am 580-581, psd 665, H conc 863, enr 898 (Chapter 53)
- SB224-FN**, Relative to licensing estheticians. (Nelson)  
118, remt 240, am 576-578, psd 665, H Com 1696
- SB225-FN**, Relative to a Martin Luther King holiday. (McLane et al)  
118, K(RC) 474-480
- SB226-FN**, Relative to the rainy day fund. (McLane)  
118, K 287-288
- SB227-FN**, Relative to rate stabilization for alternative energy producers. (Johnson et al)  
118, K 530
- SB228-FN**, Relative to disobeying a law enforcement officer. (Nelson)  
118, am 449-450, psd 520, conc H am 1572, enr 1690 (Chapter 222)
- SB229-FN**, Relative to health clubs. (Pressly et al)  
118, psd 622, 666, nonconc H am, conf 1573, 1665, rep adop 1824, 1826, enr am 1920-1921, enr 1928 (Chapter 397)

- SB230-FN**, Reinstating the position of sealer of weights and measures in Nashua. (Pressly and Rep. Price of Hillsborough Dist. 28)  
118, psd 485, 503, H conc & enr 703 (Chapter 12)
- SB231-FN**, Relative to manufactured housing zoning. (Krasker and Rep. Densmore of Grafton Dist. 3)  
118, am & Finance 480-481, psd 660-661, 667, nonconc H am, conf 1677, 1693, rep adop 1710, 1721-1722, enr am 1854, enr 1911 (Chapter 378)
- SB232-FN**, Relative to the board of barbering and cosmetology. (Nelson)  
**New title:** Relative to regulations of off-premises delivery of barbering and cosmetology services.  
118, psd 201-202, 289, nonconc H am, conf 1689, 1692, rep adop 1824, 1826-1827, enr 1910 (Chapter 367)
- SB233-FN**, Relative to capital budget requests for airports in the state. (Dupont)  
118, am 298-299, psd 331, nonconc H am, conf 1573, 1665, 1696, rep adop 1708, enr 1893 (Chapter 368)
- SB234-FN**, Authorizing the commissioner of health and human services to transfer authority for operation of medical assistance programs. (Bond)  
118, psd 278, 290, conc H am 917-918, enr 1087 (Chapter 88)
- SB235-FN**, Relative to municipal and county bonds. (Stephen and Hounsell)  
118, am & Finance 481-483, Finance waived 502, psd 503, H conc 816, enr am 914, enr 955 (Chapter 54)
- SB236-FN**, Relative to the chief medical examiner and associate chief medical examiner. (Dupont)  
118, Finance 486-487, rcmt 792, rules suspended & study 881-882
- SB237-FN**, Relative to the controlled drug act. (Dupont)  
118, am & Finance 451-452, psd 661, 667, H Com 1566
- SB238-FN**, Relative to bail reform. (Dupont)  
119, am 599-600, psd 666, H Com 1566
- SB239-FN**, Relative to electronic privacy. (Dupont)  
119, am 601-606, psd 666, H Com 1566

## SENATE JOINT RESOLUTIONS

- SJR 1**, Against communist tyranny. (Hounsell et al)  
119, psd(RC) 483-485, 503, H nonconc 897

**SENATE CONCURRENT RESOLUTIONS**

**SCR 1**, Commemorating the Melvin Village Community Church in Tuftonboro.  
(Heath)

41, adop 72, 83, H conc 703

**SCR 2**, Applying to the Congress of the United States to call a convention to propose  
an amendment to protect the lives of the unborn. (Chandler)

42, adop(RC) 154-156, 191, H nonconc 917

**SENATE RESOLUTIONS**

**SR 1**, Urging passage of the Clean Water Act. (Preston et al)  
rules suspended, intro & adop 32-34

**SR 3**, Relative to fetal pain. (Chandler)

42, adop(RC) 156-157

**SR 4**, Relative to a high frontier defense system. (Chandler)

119, adop 594-596

## HOUSE BILLS

- HB 10-FN-A**, Relative to state employee salaries and judicial salaries and making an appropriation therefor.  
1530, rules suspended & am 1610-1616, psd 1681, H nonconc, conf 1683, rep adop 1727-1741, 1835, enr am 1924-1925, enr 1928 (Chapter 401)
- HB 11**, Relative to the number of library trustees.  
295, psd 942, 958, enr 1085 (Chapter 89)
- HB 13**, To revive the charter of the Chocorua Chapel Association, a non-profit organization.  
291, psd 942-943, 958, enr 1086 (Chapter 90)
- HB 15**, Relative to the placement of candidates' names on ballots.  
293, am 976-977, psd 978, H nonconc 1666
- HB 18**, Permitting independent voters to vote in a primary and change their registration back to independent on the same day of the primary.  
**New title:** Authorizing the secretary of state to appoint an office supervisor when an assistant secretary of state vacancy exists.  
120, am 1589-1590, psd 1680, H conc 1697, enr 1830 (Chapter 275)
- HB 19**, Relative to the election laws.  
119, am 1592, psd 1680, H conc 1697, enr 1891 (Chapter 276)
- HB 22**, Relative to methods of hunting and possession of deer and moose and illegal night hunting.  
293, am 1054, psd 1087, H conc 1663, enr am 1861, enr 1909 (Chapter 277)
- HB 23**, Relative to halfway houses.  
99, psd 133, 136, enr 190 (Chapter 4)
- HB 24**, to extend the deadline for the joint committee on recodification of the water laws to submit its report to the general court.  
100, remt 818-819, 984-990, psd 1090, 1232, enr 1655 (Chapter 195)
- HB 26-FN-A**, Making an appropriation for the New Hampshire bicentennial commission on the United States Constitution.  
296, psd 827, 858, enr 956 (Chapter 59)
- HB 28**, relative to retention schedules for depository libraries.  
99, psd 133, 136, enr 190 (Chapter 5)
- HB 29**, Relative to the fees paid to municipal shelters or humane society facilities for unlicensed dogs held there.  
296, psd 943, 958, enr 1086 (Chapter 91)
- HB 30-FN-A**, Relative to uniform allowance for newly commissioned second lieutenants and warrant officers in the New Hampshire National Guard and making an appropriation therefor.  
507, Finance 828, psd 960, 977, enr 1086 (Chapter 92)



- HB 31**, Relative to boating on Wakondah Pond in town of Moultonborough.  
New title: Relative to boating on Wakondah Pond in the town of Moultonborough and School Pond in the town of Danbury.  
120, am 824-826, psd 858, H conc 897, enr 955 (Chapter 60)
- HB 32**, Relative to the election of the chairman of the university system study committee.  
293, K 929
- HB 36**, Relative to alimony and property settlements and fault grounds in divorce.  
507, am 963-965, psd 978, H conc 1697, enr 1830 (Chapter 278)
- HB 37**, Relative to the emergency management act.  
507, psd 909, 915, enr am 1082, enr 1575 (Chapter 162)
- HB 38**, Relative to the method of taking deer in the town of Madbury.  
293, psd 822, 858, enr 956, (Chapter 61)
- HB 40**, Relative to bond given by administrators of estates.  
120, am 681-682, psd 700, H conc 816, enr 865, (Chapter 24)
- HB 43**, Relative to eligibility for admittance to the New Hampshire veterans' home.  
292, psd 965, 978, enr 1086 (Chapter 121)
- HB 45**, Relative to maternity and infancy.  
120, am 848-849, psd 859, H nonconc, conf 954, rep adop 1706-1707, 1710, enr 1892 (Chapter 279)
- HB 46**, Relative to the state radiation advisory committee.  
291, psd 933, 958, enr 1086 (Chapter 93)
- HB 47**, Relative to certain fish and game licenses.  
293, psd 820, 857, enr 956 (Chapter 62)
- HB 48**, Extending filing deadlines of the financial disclosure law.  
rules suspended, intro & psd 29-31, enr 39 (Chapter 1)
- HB 49**, Relative to filling a vacancy in the office of the county treasurer.  
rules suspended, intro & psd 28-29, enr 39 (Chapter 2)
- HB 50**, Relative to utilization of the Hampton parking meter revenues.  
670, psd 852, 859, enr 1036 (Chapter 94)
- HB 54**, Prohibiting interference with hunters, trappers and fishermen.  
292, K 1106-1110
- HB 55**, Relative to the insanity defense and committal orders.  
100, psd 159, enr 699, (Chapter 13)
- HB 60-FN**, Relative to indemnification of fish and game department volunteers.  
99, psd 821, 858, enr 956 (Chapter 75)
- HB 61**, Relative to the executive director setting the deer and bear seasons for taking.  
293, psd 819-820, 857, enr 956 (Chapter 63)

- HB 62**, Relative to establishing salaries of county officers.  
506, psd 1208-1209, 1234, enr am 1658-1659, enr 1702 (Chapter 223)
- HB 65**, Restricting power boats on Lake Wicwas in the town of Meredith.  
121, am 922-929, psd 957, recon rej 959, H nonconc, conf 1682, 1703, K 1898
- HB 66-FN**, Reviving the charters of Camp Tecumseh and the Webster Lake Association.  
**New title:** Permitting the revival of certain corporate charters.  
293, am 966-967, psd 978, H conc 1664, enr 1690 (Chapter 196)
- HB 67**, Relative to urea-formaldehyde.  
291, psd 850-851, 859, enr am 970-971, enr 1230 (Chapter 147)
- HB 71**, Relative to the fiscal note process.  
292, psd 899-900, 915, enr 1036 (Chapter 122)
- HB 73-FN**, relative to falconry.  
99, psd 821-822, 858, recon rej 859, enr am 971, enr 1230 (Chapter 130)
- HB 75-FN-A**, Relative to registration fees for pesticide products.  
508, Finance 1056, Finance waived 1058, psd 1088, enr 1576 (Chapter 163)
- HB 78-FN**, Relative to flying the POW-MIA flag over the state house.  
292, am 807, psd 813, H conc 863, enr 898 (Chapter 44)
- HB 79-A**, Making a capital appropriation for Tip Top House.  
508, psd 816, 857, enr am 971, enr 1230 (Chapter 131)
- HB 83-A**, Relative to the Cornish-Windsor bridge and making an appropriation therefor.  
508, am 817, psd 857, H nonconc, conf 897-898, rep rej, new conf 1706, rep adop 1741-1743, 1835, enr 1911 (Chapter 280)
- HB 87**, Revising the definition of "person" in the statutory construction chapter.  
100, K 1591
- HB 88-FN**, Relative to the pesticide control board; rulemaking hearings, exemptions, and definitions.  
120, psd 933, 958, enr am 1085, enr 1575 (Chapter 164)
- HB 89**, relative to library regions.  
**New title:** Relative to library areas.  
99, am 133-134, psd 136, H conc 297, enr 664 (Chapter 7)
- HB 90**, Relative to membership on the New Hampshire automated information systems board.  
292, am 1179-1180, psd 1233, H conc 1662, enr 1702 (Chapter 224)
- HB 91-FN-A**, Establishing a state liquor store in the town of Londonderry and making an appropriation therefor.  
**New title:** Establishing state liquor stores in the towns of Londonderry and Belmont and making an appropriation therefor.  
894, am & Finance 1119-1121, rules suspended & psd 1224-1227, psd 1234, H conc 1663, enr 1892 (Chapter 281)

**HB 94**, Relative to real estate attachments.

294, psd 805-806, 813, enr 898 (Chapter 45)

**HB 95**, Relative to hunting accidents.

99, am 819, psd 857, H conc 917, enr 1036 (Chapter 95)

**HB 97-FN-A**, Appropriating funds to the department of agriculture for inspection of apiaries.

508, Finance waived 842-843, psd 858, enr am 971, enr 1231 (Chapter 132)

**HB 98**, Relative to adultery.

120, K(RC) 682-689, recon & K(RC) 690-691

**HB 99-FN**, Relative to district court sessions in towns within a district.

292, psd 806, 813, enr 898 (Chapter 46)

**HB 100-A**, Making appropriations for capital improvements.

814, am 1457-1460, psd 1480, H nonconc, conf 1569, rep adop 1796-1798, 1894, enr am 1914-1915, enr 1928 (Chapter 398)

**HB 101-FN**, Relative to sunset review of the joint legislative committee on review of agencies and programs and relative to the legislative program review process.

506, K 1000-1001

**HB 102-FN**, Relative to sunset review of office of legislative services.

506, psd 1001, 1046, enr am 1580-1581, enr 1702 (Chapter 225)

**HB 103-FN**, Relative to sunset review of the office of legislative services-administrative procedures division and amending the administrative procedure act.

861, psd 1617, 1681, enr 1892 (Chapter 282)

**HB 104-FN**, Relative to sunset review of the office of state planning.

**New title:** Relative to sunset review of the office of state planning, and consolidating the functions of the office of state planning in a new RSA chapter.

295, am & Finance 1104-1106, am 1507-1509, psd 1583, H nonconc, conf 1682-1683, rep adop 1744-1745, 1835, enr am 1899-1900, enr 1911 (Chapter 283)

**HB 105-FN**, Relative to sunset review of the secretary of state-legislative services.

99, am 1135-1137, psd 1232, H conc 1664, enr 1892 (Chapter 284)

**HB 106-FN**, Relative to sunset review of board of claims.

295, psd 676, 700, enr 703 (Chapter 14)

**HB 107-FN**, Relative to sunset review of the department of revenue administration-community services.

671, remt 909, am 1121, psd 1234, H nonconc, conf req rej 1686-1687, recon & conf 1698, rep adop 1745-1747, 1835, enr 1909 (Chapter 285)

**HB 108-FN**, Relative to sunset review of the department of revenue administration-revenue collection, and relative to certain functions of the department of revenue administration.

297, remt 909, psd 1147-1148, 1233, enr am 1914, enr 1928 (Chapter 408)

- HB 109-FN**, Relative to sunset review of coordinator of highway safety.  
120, am 178, psd 191, H conc 512, enr 699 (Chapter 15)
- HB 110-FN**, Relative to sunset review of the New Hampshire retirement system.  
293, psd 676, 700, enr am 706-707, enr 865 (Chapter 25)
- HB 111-FN**, Relative to sunset review of the board of accountancy.  
295, psd 676, 700, enr am 707, enr 865 (Chapter 26)
- HB 112-FN**, Relative to sunset review of the board of chiropractic examiners.  
669, am 1594-1595, psd 1680, H nonconc, conf 1683, K 1898
- HB 113-FN**, Establishing a civil air patrol grant program.  
508, psd 826-827, 858, enr 956 (Chapter 64)
- HB 114-FN**, Relative to sunset review of dental board and relative to continuing education and confidentiality of certain hearings by the dental board.  
505, psd 1000, 1046, enr 1230 (Chapter 133)
- HB 115-FN**, Relative to sunset review of regulation of electricians.  
295, psd 675, 700, enr am 703-704, enr 865 (Chapter 27)
- HB 116-FN**, Relative to sunset review of funeral directors and embalmers board.  
295, am 676-678, psd 700, H conc 816, enr am 913, enr 1231 (Chapter 134)
- HB 117-FN**, Relative to sunset review of board of medicine.  
505, psd 1205, 1234, enr am 1658, enr 1702 (Chapter 226)
- HB 118-FN**, Relative to sunset review of board of optometry.  
293, psd 681, 700, enr am 704, enr 865 (Chapter 28)
- HB 119-FN**, Relative to sunset review of pharmacy commission.  
293, psd 675, 700, enr am 704, enr 865 (Chapter 29)
- HB 120-FN**, Relative to sunset review of plumbers board.  
702, psd 1001, 1046, enr 1230 (Chapter 135)
- HB 121-FN**, Relative to sunset review of board of registration of podiatrists.  
292, psd 675, 700, enr am 704, enr 865 (Chapter 30)
- HB 122-FN**, Relative to sunset review of board of psychologists.  
505, am 1137-1138, psd 1232, H conc 1663, enr am 1861, enr 1909 (Chapter 286)
- HB 123-FN**, Relative to sunset review of public employee labor relations board.  
295, am 967-968, psd 978, H conc 1663, enr am 1861, enr 1909 (Chapter 379)
- HB 124-FN**, Relative to sunset review of the real estate commission.  
670, remt 992, am 1066-1067, psd 1089, H nonconc, conf 1567-1568, rep adop 1748-1749, 1834, enr 1892 (Chapter 287)
- HB 126-FN**, Relative to sunset review of the commission on the status of women and making certain changes relative to the commission.  
295, am 679-680, psd 700, recon notice 708, recon & LT 856-857, psd 891-892, 893, H nonconc, conf 1669-1670, rep adop 1748, 1834, enr 1892 (Chapter 288)

- HB 127-FN**, Relative to sunset review of the board of veterinary examiners and relative to preliminary hearings.  
293, am 933-934, psd 958, H nonconc, conf 1570-1571, rules suspended & rep adop 1882-1883, 1894, enr 1911 (Chapter 289)
- HB 128-FN**, Relative to sunset review of civil defense.  
99, psd 681, 700, enr am 704-705, enr 865 (Chapter 31)
- HB 129-FN**, Relative to sunset review of disaster office.  
99, psd 681, 700, enr am 705, enr 865 (Chapter 32)
- HB 130-FN**, Relative to sunset review of the fire standards and training commission.  
99, psd 680-681, 700, enr am 705, enr 865 (Chapter 33)
- HB 131-FN**, Relative to sunset review of the state liquor commission-office of the commissioner/administration.  
672, psd 901, 915, enr am 1082, enr 1575 (Chapter 165)
- HB 132-FN**, Relative to sunset review of state liquor commission-office of the commissioner/regulation.  
672, psd 900-901, 915, enr am 1082-1083, enr 1575 (Chapter 166)
- HB 133-FN**, Relative to sunset review of state liquor commission-merchandising and relative to the state liquor commission.  
861, am & Finance waived 1538-1554, psd 1584, H nonconc, conf 1670-1671, rep adop 1747-1748, 1835, enr am 1908, enr 1911 (Chapter 380)
- HB 134-FN**, Relative to sunset review of state liquor commission-warehouse.  
672, psd 901, 915, enr am 1083, enr 1575 (Chapter 167)
- HB 135-FN**, Relative to sunset review of the public utilities commission-administration and support.  
509, psd 1002, 1046, enr 1230 (Chapter 136)
- HB 136-FN**, relative to sunset review of public utilities commission-gas-pipeline carriers.  
99, psd 1617, 1681, enr am 1829, enr 1893 (Chapter 290)
- HB 137-FN**, Relative to sunset review of the department of safety-administration and support.  
100, psd 680, 700, enr am 705, enr 865 (Chapter 34)
- HB 138-FN**, Relative to sunset review of the department of safety division of motor vehicles.  
120, psd 178, recon & LT 179, psd 500, 503, enr am 699, enr 865 (Chapter 35)
- HB 139-FN**, relative to sunset review of the police standards and training council.  
99, psd 678-679, 700, enr am 705, enr 865 (Chapter 36)
- HB 140-FN**, Relative to sunset review of the police standards and training council-corrections.  
99, psd, 678, 700, enr am 706, enr 865 (Chapter 37)

- HB 141-FN**, Relative to sunset review of the commission on human rights.  
294, psd 675, 700, enr am 706, enr 865 (Chapter 38)
- HB 142-FN**, Relative to sunset review of the fish and game department-administration and support.  
**First new title:** Relative to sunset review of the fish and game department-administration and support and the fish and game department-law enforcement.  
**Second new title:** Relative to sunset review of the fish and game department-administration and support.  
293, remt 822-823, 1118, am 1585-1587, psd 1680, H nonconc, conf 1683, rep adop 1749-1750, 1835, enr am 1908, enr 1927 (Chapter 412)
- HB 143-FN**, Relative to sunset review of the department of fish and game law enforcement.  
671, am 818, psd 857, H nonconc, conf 954, rep adop 1750-1751, 1835, enr am 1900, enr 1911 (Chapter 291)
- HB 144-FN**, Relative to sunset review of the department of resources and economic development-bureau of off-highway recreational vehicles.  
861, am 1099-1101, psd 1232, H nonconc, conf 1670, rep adop 1716-1719, 1834, enr am 1900-1901, enr 1912 (Chapter 292)
- HB 145-FN**, Relative to sunset review of New Hampshire port authority.  
120, am 934, psd 958, H nonconc, conf 1569-1570, rep adop 1706, 1710, enr 1911 (Chapter 293)
- HB 146-FN**, Relative to sunset review of the department of health and human services-office of the commissioner.  
120, am 850, psd 859, H conc 917, enr 1036 (Chapter 96)
- HB 147-FN**, Relative to sunset review of department of health and human services-division of mental health.  
120, am 691-692, psd 701, H conc 816, enr 865 (Chapter 39)
- HB 148**, Relative to sunset review of Glenciff home for the elderly.  
100, am 164, psd 191, H conc 297, enr 664 (Chapter 8)
- HB 149-FN**, Relative to sunset review of Laconia state school and training center.  
100, am 165, psd 191, H conc 297, enr 664 (Chapter 9)
- HB 150-FN**, Relative to sunset review of New Hampshire Hospital.  
120, am 849-850, psd 859, H conc 897, enr 955 (Chapter 65)
- HB 151-FN**, Relative to sunset review of veterans' home.  
120, am 691, psd 700, H conc 816, enr 865 (Chapter 40)
- HB 152-FN**, Relative to sunset review of the board of education-administration and support.  
**First new title:** Relative to sunset review of the board of education-administration and support, establishing a program for administrator excellence, and relative to catastrophic aid.  
**Second new title:** Relative to sunset review of the board of education-administration and support; establishing a program for administrator excellence, relative to catastrophic aid and making a supplemental appropriation for financial aids to districts-state.



**HB 152-FN (cont.)**

505, remt 1058, am & Finance 1134-1135, am 1509-1512, psd 1583, H nonconc, conf 1683, rep adop 1751-1752, 1834, enr am 1901, enr 1912 (Chapter 294)

**HB 153-FN, Relative to sunset review of the board of education-financial aids.**

505, psd 1058, 1088, enr am 1661, enr 1691 (Chapter 227)

**HB 154-FN, Relative to sunset review of the board of education-special services.**

505, psd 1058, 1088, enr am 1662, enr 1691 (Chapter 228)

**HB 155-FN, Relative to sunset review of the board of education-food and nutrition.**

99, psd 1134, 1232, enr am 1658, enr 1691 (Chapter 229)

**HB 156-FN, Relative to sunset review of the nurses registration board.**

669, am 992-995, recon & am 1003, psd 1046, H nonconc, conf 1568, rep adop 1715-1716, 1834, enr am 1901-1902, enr 1912 (Chapter 295)

**HB 157-FN, Relative to sunset review of the board of education-general instruction, school district evaluation guidelines.**

861, psd 1059, 1088, enr 1576 (Chapter 168)

**HB 158-FN, Relative to sunset review of the department of education-adult basic education.**

505, psd 929, 958, enr am 1084-1085, enr 1575 (Chapter 169)

**HB 159-FN, Relative to sunset review of the board of education-driver education.**

671, psd 930, 958, enr am 1726, enr 1894 (Chapter 296)

**HB 160-FN, Relative to sunset review of postsecondary education commission-veterans education service and repealing the advisory committee.**

671, psd 931, 958, enr 1086 (Chapter 97)

**HB 161-FN, Relative to sunset review of the board of barbering and cosmetology.**

295, psd 878, 893, enr am 971-972, enr 1231 (Chapter 137)

**HB 162-FN, Relative to sunset review of the board of tax and land appeals.**

120, psd 287, 290, enr am 664, enr 703 (Chapter 16)

**HB 163-FN, Relative to sunset review of the boxing and wrestling commission.**

509, am & Finance 1139-1140, Finance waived 1144, psd 1232, H conc 1663, enr 1709 (Chapter 257)

**HB 164-FN, Relative to sunset review of Connecticut River Valley flood control commission.**

292, am 823-824, psd 858, H conc 897, enr 956 (Chapter 66)

**HB 165-FN, Relative to sunset review of the department of employment security and relative to appellate procedure in such departments.**

**New title:** Relative to sunset review of the department of employment security and relative to appellate procedure in such department.

507, am 1008-1015, psd 1047, H nonconc, conf 1684, rep adop 1752-1758, 1835, enr 1928 (Chapter 409)

**HB 166-FN**, Relative to sunset review of department of health and human services-division of public health services-electrologists.

**New title:** Renewing the department of health and human services-division of public health services-electrologists for 4 years.

293, am 849, psd 859, H conc 897, enr 1036 (Chapter 98)

**HB 167-FN**, Relative to sunset review of the department of postsecondary vocational-technical education.

**New title:** Relative to sunset review of the department of postsecondary vocational-technical education and relative to election in the town of Winchester.

671, am 931-932, psd 958, recon notice 961, recon & am 1488-1489, psd 1581, H nonconc, conf 1684, rep rej, new conf 1707, rep adop 1758-1761, 1835, enr am 1899, enr 1911 (Chapter 273)

**HB 168-FN**, Relative to sunset review of joint board of engineers, architects and land surveyors.

**New title:** Relative to sunset review of joint board of engineers, architects and land surveyors, and relative to exemption from regulation of the design, construction and alteration of certain small structures.

294, am 995-997, psd 1046, H nonconc, conf 1570, rep adop 1761, 1834, enr am 1902, enr 1912 (Chapter 297)

**HB 169-FN**, Relative to sunset review of Maine-New Hampshire interstate bridge authority.

100, LT 178-179, psd 500, 503, enr am 699, enr 865 (Chapter 41)

**HB 170-FN**, Relative to sunset review of Merrimack River flood control commission.

292, am 823, psd 858, H conc 897, enr 956 (Chapter 67)

**HB 171-FN**, Relative to sunset review of the New England interstate water pollution control commission.

294, LT 855, psd 1679-1680, 1682, enr am 1855, enr 1912 (Chapter 300)

**HB 172-FN**, Relative to sunset review of New Hampshire housing finance authority.

292, psd 674, 699, enr am 706, enr 866 (Chapter 42)

**HB 173-FN**, Relative to sunset review of the postsecondary education commission-nursing scholarship program, requirements for the nursing scholarship program, and a leveraged incentive program.

861, psd 1059, 1088, enr 1576 (Chapter 170)

**HB 174-FN**, Relative to sunset review of postsecondary education commission-war orphans scholarships.

861, psd 1060, 1088, enr 1576 (Chapter 171)

**HB 175-FN**, Terminating the standardbred breeders and owners development agency.

293, am 1096-1097, psd 1232, H nonconc 1567

**HB 176-FN**, Relative to sunset review of state board of auctioneers.

293, psd 674, 699, enr am 706, enr 866 (Chapter 43)

**HB 177-FN**, Relative to sunset review of veterinary/medical/optometric education program and amending such program.

**New title:** Relative to sunset review of veterinary/medical/optometric education program.

672, am 929-930, psd 958, H nonconc, conf 1570, rep adop 1707-1708, 1710, enr 1892 (Chapter 301)

**HB 180-FN**, Establishing a study committee to examine the publication and distribution of session laws.

292, psd 900, 915, enr am 1083, enr 1575 (Chapter 172)

**HB 184**, Relative to docking on public waters of the state.

295, psd 982-984, 1046, enr 1230 (Chapter 148)

**HB 186**, Relative to the appointment and terms of alternates for certain municipal offices.

294, am 1180-1201, recon, am rej & psd 1203, 1233, enr 1655 (Chapter 197)

**HB 189-FN**, Eliminating certain restrictions on bank branching.

292, K 1898

**HB 190-FN**, Relative to district court venue in landlord and tenant actions.

120, am 690, psd 700, H nonconc, conf 864, rep adop 1761-1762, 1834, enr 1893 (Chapter 302)

**HB 192-FN-A**, Establishing a program of regional and municipal assistance in the office of state planning.

295, psd 820-821, 858, enr 956 (Chapter 76)

**HB 193-FN-A**, Relative to liquor store relocation and making an appropriation therefor.

509, Finance 1148, rules suspended 1224, psd 1227, 1234, enr 1656 (Chapter 198)

**HB 195**, Prohibiting the taking of private property by eminent domain for the siting of a nuclear power plant or a low-level radioactive waste disposal facility.

510, K 1618

**HB 196**, Establishing a study committee to determine the feasibility of establishing OHRV trails on rights of way of state highways.

294, psd 820, 857, enr 957 (Chapter 68)

**HB 200-A**, Making appropriations for capital improvements.

814, am, rules suspended & psd 1460-1481, H nonconc, conf 1569, rep adop 1798-1816, 1894, enr am 1925-1926, enr 1929 (Chapter 399)

**HB 201-FN**, Relative to the use of the New Hampshire hospital buildings and relative to the disposal of state-owned property.

294, am 1481-1483, psd 1581, H nonconc, conf 1670, rep adop 1762-1766, 1835, enr 1894 (Chapter 381)

**HB 204-FN**, Requiring supervisors of the checklist in the New England states to be notified when a voter is added to a checklist in New Hampshire.

294, psd 1137, 1232, enr 1656 (Chapter 199)

- HB 208-FN**, Relative to the limit on trout taken by fly fishing in Clarksville Pond in the town of Clarksville.  
292, psd 1055, 1087, enr 1576 (Chapter 173)
- HB 213**, Relative to guardians for minors and the correction of statutory references for certain appeals.  
504, am 876, psd 892, H conc 917, enr am 1083, enr 1575 (Chapter 174)
- HB 215-FN**, Relative to certain expenses for laying out a highway at the request of a petitioner.  
296, psd 696-697, 701, enr 703 (Chapter 17)
- HB 216-FN**, Making an appropriation for the driver training program.  
861, Finance 1529-1530, rules suspended 1554, psd 1555, 1584, enr 1690 (Chapter 267)
- HB 217**, Relative to nursing home care costs paid by counties.  
895, Finance 1202-1203, K 1506-1507
- HB 220-FN**, Relative to the removal of petroleum powered vehicles from surface waters of the state.  
296, am 990-992, psd 1046, H conc 1663, enr am 1860-1861, enr 1909 (Chapter 303)
- HB 221**, To revive the charter of the Pequawket Foundation, a non-profit organization.  
292, psd 944, 958, enr 1086 (Chapter 99)
- HB 224-FN**, Establishing a study committee to ascertain the feasibility of establishing restaurants along the turnpike system where permissible.  
294, LT 694-695, am 886-891, psd 893, H nonconc, conf 1684, rep adop 1719-1720, 1834, enr 1892 (Chapter 382)
- HB 225**, Relative to stream reclassification of certain waters of the state.  
295, am 1588-1589, psd 1680, H conc 1697, enr am 1860, enr 1910 (Chapter 304)
- HB 227**, Requiring notification of late payments by subcontractors to unions.  
506, psd 900, 915, enr 1036 (Chapter 100)
- HB 228**, Legalizing certain town and district meetings.  
**New title:** Legalizing certain town and district meetings and relative to an increase in the salaries of the Conway police commissioners.  
668, remt 944, am & LT 1644-1646, psd 1671, 1681, H conc 1697, enr am 1907-1908, enr 1927 (Chapter 410)
- HB 229**, Relative to the exemption of skeet, trap, shooting sports clubs and owners of shooting ranges from any civil or criminal actions relating to noise pollution.  
507, psd 1080, 1089, enr 1576 (Chapter 175)
- HB 230**, Establishing a hotline for missing children.  
294, psd 692, 701, enr 703 (Chapter 21)
- HB 231-FN**, Relative to updating master plans once every 5 years.  
510, Com 1205-1206

**HB 232-FN**, Relative to the homestead exemption for disabled veterans.  
296, psd 1201, 1233, enr 1656 (Chapter 200)

**HB 236**, Relative to durable powers of attorney.  
294, psd 875, 892, enr am 972, enr 1231 (Chapter 138)

**HB 238-FN**, Relative to establishing a memorial to Christa McAuliffe and making an appropriation therefor.  
861, am 1060-1061, psd 1088, H conc 1663, enr 1702 (Chapter 230)

**HB 240-FN**, Relative to septic inspections on waterfront properties and relative to creating 3 new positions within the division of water supply and pollution control and making an appropriation therefor.  
702, Com 1057-1058

**HB 241**, Relative to workers' compensation.  
292, am 1004-1005, psd 1047, H conc 1697, enr 1830 (Chapter 305)

**HB 244-FN-A**, Establishing a study committee to review existing fire laws.  
509, psd 908-909, 915, enr 1036 (Chapter 101)

**HB 248**, Allowing the expulsion of unruly persons from horse and dog racetrack grounds.  
673, am 909-911, psd 915, H conc 1048, enr 1575 (Chapter 176)

**HB 249-FN**, Relative to the shore frontage and acreage at the Laconia State School and Training Center.  
296, psd 932, 958, enr 1086 (Chapter 102)

**HB 250-FN-A**, Making an appropriation to the Conway village fire district, authorizing the Conway village fire district to issue bonds, and relative to funding waste water treatment systems.  
702, psd 979-980, 1045-1046, enr 1231 (veto sustained H)

**HB 255-FN**, Dedicating a portion of the federal Wallop-Breaux funds, with state matching funds, for the establishment of boat launching access and making an appropriation therefor.  
861, Finance 1101-1102, psd 1503-1504, 1582, enr 1691 (Chapter 231)

**HB 258-FN**, Relative to limitations on liability.  
510, K 1079-1080

**HB 259**, Relative to the alcohol content in alcoholic beverages.  
294, IP 1148-1150

**HB 260-FN-A**, Providing for the reconstruction of a section of Prescott Road in the town of Raymond and making an appropriation therefor.  
**New title:** Providing for the reconstruction of a section of Prescott Road in the town of Raymond, and relative to the rehabilitation of the Westminster bridge on Routes 12 and 123 in the town of Walpole and making an appropriation therefor.  
702, remt 919-920, am 1483-1484, psd 1581, H conc 1664, enr 1830 (Chapter 306)

**HB 263-FN-A**, Establishing the arts development program and making an appropriation therefor.  
814, Finance 1208, psd 1504, 1582, enr 1690 (Chapter 262)

- HB 264**, Relative to the composition of the court accreditation commission.  
506, am 1157-1158, psd 1233, H conc 1663, enr am 1860, enr 1910 (Chapter 307)
- HB 266**, Relative to the state veterans' needs committee.  
292, psd 965, 978, enr 1086 (Chapter 103)
- HB 269-FN-A**, Relative to the appropriation for motor vehicle replacement.  
294, psd 827, 858, enr 957 (Chapter 77)
- HB 273-FN-A**, Relative to congregate services programs and making an appropriation therefor.  
895, Finance 1202, psd 1504, 1582, enr 1690 (Chapter 232)
- HB 275-FN**, Establishing a public investments study committee.  
507, am 809-810, psd 813, H conc 863, enr 898 (Chapter 55)
- HB 276-FN-A**, Relative to the rate of the real estate transfer tax.  
508, am & Finance 1144-1147, rules suspended 1224, psd 1227-1228, 1235, H non-conc, conf 1670, 1703, rep rej, new conf 1711-1712, 1724, rep adop 1831-1832, 1836, enr 1909 (Chapter 308)
- HB 277-FN**, Continuing the task force to study mental health services.  
295, psd 692, 701, enr 703 (Chapter 18)
- HB 280**, Relative to water usage.  
295, study 1050-1051
- HB 281-FN**, Establishing a study committee on teacher shortages and salaries.  
671, psd 1058-1059, 1088, enr am 1661, enr 1691 (Chapter 268)
- HB 284-FN-A**, Making an appropriation for a conference on day care.  
815, psd 1203-1204, 1233, enr am 1658, enr 1691 (Chapter 269)
- HB 288-FN**, Establishing an office of victim/witness assistance and making an appropriation therefor.  
702, am & Finance 1063-1064, psd 1504, 1582, enr am 1860, enr 1910 (Chapter 310)
- HB 289-A**, Relative to criminal records and making an appropriation therefor.  
702, remt 1027-1028, LT 1158, K 1898
- HB 291**, Relative to cosmetology.  
511, psd 952, 959, enr 1086 (Chapter 104)
- HB 292-FN**, Permitting permanent policemen who serve as field representatives for the police standards and training council and permanent firemen who serve with the fire standards and training commission to continue as group II members of the New Hampshire retirement system.  
**New title:** Permitting certain group II members who serve with the police standards and training council or with the fire standards and training commission to continue as group II members of the New Hampshire retirement system.  
861, am 997-998, psd 1046, H conc 1567, enr 1576 (veto sustained H)
- HB 293-FN**, Relative to foster family homes and making an appropriation therefor and establishing a committee on foster families.  
862, am & Com 1648-1649



**HB 294-FN-A**, Exempting the sale of a manufactured housing park to a tenants' association from the real estate transfer tax and requiring a manufactured housing park owner to give notice to a tenants' association before selling the park.

**New title:** Requiring a manufactured housing park owner to give notice to a tenants association before selling the park.

296, psd(RC) 1121-1124, 1234, recon notice 1235-1236, recon & am 1672-1675, psd 1682, H conc 1697, enr am 1907, enr 1912 (Chapter 383)

**HB 295-FN**, Relative to the board of tax and land appeals.

814, Com 1150-1151

**HB 296-FN-A**, Establishing a department of securities and making an appropriation therefor.

**New title:** Establishing an office of securities regulation and making an appropriation therefor, relative to takeover bids and target companies, and increasing the securities registration fee.

894, remt 1016-1017, am & Finance 1154-1156, psd 1504-1505, 1582, H nonconc, conf 1669, rep adop 1766-1776, new conf 1834, rules suspended & rep adop 1862-1882, 1894, enr am 1926-1927, enr 1929 (Chapter 411)

**HB 299-FN-A**, Continuing pari-mutuel tax credits for dog races, and raising the limit therefor.

294, am 911-912, psd 915, H conc 1048, enr 1575 (Chapter 154)

**HB 300-A**, Making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1988 and June 30, 1989.

895, am(RC), rules suspended, & psd 1236-1456, H nonconc, conf 1568-1569, rep adop 1836-1850, 1894, enr am 1922, enr 1928 (Chapter 400)

**HB 303-FN**, Relative to fees collected by the New Hampshire port authority.

861, psd 1030, 1047, enr 1231 (Chapter 139)

**HB 304-FN-A**, Relative to simulcast racing.

671, Finance 852, Finance waived 855, psd 859, enr 957 (Chapter 69)

**HB 306**, Limiting the horsepower of boat motors on Marchs Pond and Chalk Pond in the town of New Durham and prohibiting the use of jet skis on said ponds and on Pine River Pond in the town of Wakefield.

296, am 921-922, psd 957, H conc 1049, enr am 1660- 1661, enr 1703 (Chapter 233)

**HB 309-FN-A**, Relative to the Nansen ski jump and making an appropriation therefor and repealing the Cannon Mountain Aerial Tramway Fund.

**New title:** Relative to the Nansen ski jump and making an appropriation therefor and repealing the Cannon Mountain aerial tramway fund and establishing a study committee for the state-owned ski operations.

702, am & Finance 1097-1099, psd 1491-1492, 1582, H conc 1664, enr 1709 (Chapter 258)

**HB 312**, To legalize a town meeting held in Canaan.

668, psd 968, 978, enr 1086 (Chapter 105)

**HB 316-FN-A**, Permitting refunds for stamps destroyed after affixing to tobacco products.

297, psd 912, 915, enr 1036 (Chapter 106)

- HB 318-FN-A**, Determining financial liability for certain educationally handicapped children under the supervision of the division for children and youth services and making an appropriation therefor.  
862, K 1898
- HB 319-FN-A**, Establishing a premium upon the sale of alcoholic beverages for use in the prevention and treatment of alcohol and drug abuse and the rehabilitation of drug abusers and making an appropriation for the alcohol and drug abuse prevention committee.  
**New title:** Making an appropriation for use in the prevention and treatment of alcohol and drug abuse and the rehabilitation of drug users and making an appropriation to the catastrophic illness fund.  
895, am & Finance 1124-1134, rules suspended 1224, am 1228-1229, psd 1235, H conc 1662, enr 1656 (Chapter 270)
- HB 321-FN-A**, Creating the Connecticut River Valley resource commission and making an appropriation therefor.  
702, am & Finance 1115-1118, psd 1492, 1582, H conc 1664, enr am 1902-1903, enr 1912 (Chapter 311)
- HB 322-FN-A**, Relative to the AIDS virus and making an appropriation therefor.  
895, Finance 1204, am(RC) 1492-1502, psd 1582, H nonconc, conf 1671, rep adop 1712-1714, H rej rep, new conf 1817, suspension of rules rej(RC) 1850-1854, remarks by Sen. Preston 1888-1889
- HB 325-FN-A**, Relative to the distribution of sweepstakes revenues.  
895, psd 1151, 1233, enr 1656 (Chapter 201)
- HB 326-FN-A**, Establishing homemaker services for certain persons and making an appropriation therefor.  
895, Finance 1220-1221, am 1512-1513, psd 1583, H conc 1664, enr 1892 (Chapter 309)
- HB 327-FN**, Relative to funding for a pulp and paper technology program at the New Hampshire vocational-technical college at Berlin.  
702, am 920-921, psd 957, H conc 1049, enr 1575 (Chapter 177)
- HB 328-FN-A**, Relative to business profits tax liens.  
294, psd 806, 813, enr 898 (Chapter 47)
- HB 329-A**, Relative to estimated tax payments for railroads and public utilities.  
669, psd 912, 916, enr am 1083-1084, enr 1575 (Chapter 178)
- HB 336-FN-A**, Requiring permits for projects affecting the water quality of the surface waters or groundwaters of the state and providing for administrative fines for septic system violations.  
862, K 1102-1103
- HB 338-FN-A**, Relative to the senior companions and foster grandparents programs and making an appropriation therefor.  
862, Finance 1028, psd 1490, 1581, enr 1690 (Chapter 234)
- HB 339-FN-A**, Relative to lead paint abatement.  
862, psd 1205, 1233, enr 1656 (Chapter 202)

**HB 345-FN-A**, Relative to salaries of probate judges and the sessions of probate courts and making an appropriation therefor.

894, am & Finance 1528-1529, rules suspended 1554, psd 1555, 1583, H nonconc, conf 1669, rep adop 1720-1721, 1834, enr am 1903-1904, enr 1912 (Chapter 384)

**HB 347-FN-A**, Relative to the dental hygienist program at the New Hampshire technical institute and making an appropriation therefor.

814, Finance 1203, psd 1502-1503, 1582, enr 1690 (Chapter 235)

**HB 348-FN-A**, Relative to the division for children and youth services and appropriating funds for certain employee benefits.

**New title:** Relative to the superintendant of the Anna Philbrook Center and making an appropriation therefor.

814, am & Finance waived 1229-1230, psd 1234, conf rej 1571, recon notice 1587, recon, conf 1679, rep adop 1782-1783, 1834, enr 1892 (Chapter 312)

**HB 349-FN-A**, Relative to special education and certified programs for children and youth in out-of-home placements.

894, K 1898

**HB 354-FN-A**, Relative to the Franklin-Laconia connector and making an appropriation therefor.

895, Com 1484-1488

**HB 355-FN-A**, Relative to the assumption of local probation functions by the state and making an appropriation therefor.

**New title:** Relative to the assumption of local probation functions by the state and making an appropriation therefor; determining financial liability for certain educationally handicapped children under the supervision of the division for children and youth services and making an appropriation therefor; relative to special education and certified programs for children and youth in out-of-home placements; and relative to foster family homes and making an appropriation therefor and establishing a committee on foster families.

895, am & Finance 1159-1179, am 1513-1515, psd 1583, H nonconc, conf 1684, rep adop 1776-1782, 1834, enr am 1922-1923, enr 1928 (Chapter 402)

**HB 357-FN**, Relative to respite care in area agencies and making an appropriation therefor.

861, am & Finance 1028-1029, psd 1489, 1581, H conc 1664, enr 1892 (Chapter 313)

**HB 361-FN-A**, Redefining references to the United States Internal Revenue Code for purposes of the business profits tax.

669, am & Finance 1140-1143, rules suspended 1224, psd 1228, 1235, H nonconc 1696

**HB 362-FN-A**, Relative to returns and taxable meals under the meals and rooms tax.

297, Finance 809, psd 1061, 1088, enr 1575 (Chapter 189)

**HB 363-FN-A**, Relative to estimated tax filing requirements under the bank, franchise, and interest and dividends taxes and creating a division of automated information systems in the department of revenue administration.

508, psd 1151-1152, 1233, enr 1691 (Chapter 236)

- HB 364-FN-A**, Establishing an air toxics control program within the division of air resources, department of environmental services and making an appropriation therefor.  
702, am & Finance 998-999, psd 1490-1491, 1582, H conc 1697, enr am 1859-1860, enr 1910 (Chapter 314)
- HB 366-FN-A**, Making supplemental appropriations to the University of New Hampshire cooperative extension service and to the board of veterinary medical examiners.  
508, psd 1059, 1088, enr 1655 (Chapter 203)
- HB 367-FN-A**, Establishing a study committee to examine the cooperative extension service.  
894, psd 1644, 1681, enr 1892 (Chapter 315)
- HB 370-FN-A**, Relative to employment opportunity.  
895, LT 1640-1641, am 1666-1667, psd 1681, H conc 1697, enr am 1904, enr 1912, veto sustained(RC) 1939-1953
- HB 371-FN-A**, Relative to the compromise of an action against the state and making an appropriation therefor.  
509, psd 828, 858, enr 957 (Chapter 78)
- HB 373-FN-A**, Relative to family life education and making an appropriation therefor.  
815, IP 1221-1224
- HB 376-FN**, Relative to Alzheimer's disease and related disorders and making an appropriation therefor.  
862, Finance 1029, psd 1490, 1582, enr 1691 (Chapter 237)
- HB 377**, To liquidate encumbrances and lapse available balances on certain capital accounts.  
509, psd 816-817, 857, enr 957 (Chapter 70)
- HB 379-FN**, Relative to public land preservation.  
**New title:** Relative to the retention of certain state-owned lands.  
668, am 1112-1114, psd 1233, H conc 1663, enr 1831 (Chapter 316)
- HB 382**, Relative to boating law enforcement.  
296, psd 1054, 1087, enr am 1726, enr 1893 (Chapter 317)
- HB 383-FN**, Relative to road tolls.  
507, am 878-880, psd 893, H conc 1049, enr 1575 (Chapter 179)
- HB 391**, Creating a division of agricultural development in the department of agriculture using currently available funding and personnel.  
511, psd 1002, 1046, enr 1230 (Chapter 149)
- HB 393**, Establishing the availability of the remedy of declaratory judgment to determine the coverage of a liability insurance policy in the federal district court.  
670, psd 961, 978, enr 1231 (Chapter 150)

- HB 397**, Changing the time for counting absentee ballots and requiring the posting of the time for commencement of counting absentee ballots.  
510, K 944
- HB 398**, Relative to custody and support orders.  
673, study 942
- HB 402**, Relative to habitual offenders.  
668, am 1080-1082, psd 1089, H conc 1662, enr 1703 (Chapter 238)
- HB 403-FN**, Clarifying penalty provisions for violations of local codes and regulations, relative to district court jurisdiction over such penalties, and enabling district court judges to issue temporary orders enjoining violations of local land use regulations.  
672, Com 1063
- HB 405**, Establishing a presumption of negligence for liability resulting from a nuclear incident.  
673, K(RC) 1073-1079, recon rej 1089
- HB 406**, Relative to the priority of unpaid employee wages in insolvency proceedings.  
506, remt 900, K 1617
- HB 407-FN**, Amending the way in which the town of Londonderry shall collect its taxes for fiscal years 1987-1994.  
511, psd 1211, 1234, enr 1656 (Chapter 204)
- HB 408-FN**, Relative to establishing a uniform fine schedule for boating violations.  
507, psd 982, 1046, enr am 1579, enr 1691 (Chapter 239)
- HB 416**, Concerning the presumption of procedural compliance in the enactment of municipal legislation.  
509, study 1063
- HB 418**, Relative to mutual holding companies.  
505, Com 1585, recon & K 1711
- HB 420**, Restricting power boats on Hermit Lake in the town of Sanbernton and requiring the division of safety services to make a study and hold a hearing relative to boating on Lake Pemigewasset in the towns of New Hampton and Meredith.  
506, psd 1055, 1087, enr am 1659-1660, enr 1892 (Chapter 385)
- HB 421**, Permitting the appointment of alternate members to conservation commissions, and clarifying the authority of conservation commissions to spend funds appropriated to them.  
**New title:** Relative to conservation commissions.  
507, am 1052-1054, psd 1087, H conc 1663, enr 1831 (Chapter 318)
- HB 422-FN**, Creating a committee to study and revise the laws pertaining to elderly persons.  
504, am 851, psd 859, H conc 897, enr 956 (Chapter 71)

- HB 425-FN**, Relative to the powers of the adult parole board and credits for good conduct.  
506, Finance 871, psd 1061, 1088, enr 1576 (Chapter 180)
- HB 426**, Allowing the rendition pursuant to the Interstate Compact on Juveniles of a juvenile charged with delinquency.  
507, psd 804-805, 813, enr 898 (Chapter 48)
- HB 431**, Relative to treasury deposits.  
507, psd 810, 813, enr 898 (Chapter 49)
- HB 433**, Relative to the termination of county employees.  
509, am 1634-1635, psd 1681, H nonconc, conf 1684-1685, rep rej 1783
- HB 434**, Relative to the public employee labor relations board.  
295, am 968-970, psd 978, H nonconc, conf 1685, K 1898
- HB 435-FN**, Creating a committee to study head injuries in New Hampshire.  
**First new title:** Creating a committee to study head injuries in New Hampshire and relative to health care for indigent.  
**Second new title:** Creating a committee to study head injuries in New Hampshire and relative to health care for the indigent.  
511, am 843-845, psd 859, H conc 917, enr am 1084, enr 1576, (recalled) H nonconc, conf 1671, rep adop 1714-1715, enr 1892 (Chapter 319)
- HB 436**, Relative to insurance coverage for home health care.  
670, Com 1016
- HB 437**, Relative to motorboat and jet ski operation.  
668, am 1114-1115, psd 1233, H nonconc, conf req rej 1687
- HB 438**, Relative to applicants for armed security guard and armed private detective licenses.  
296, psd 1209, 1234, enr 1656 (Chapter 205)
- HB 439**, Relative to child passenger restraints.  
668, am 1030, psd 1047, H conc 1662, enr 1703 (Chapter 240)
- HB 440**, Relative to intrastate motor carriers.  
670, am 1030-1031, psd 1047, H nonconc, conf 1568, new conf 1821-1822, 1834, rules suspended & rep adop 1883-1888, 1894, enr am 1922, enr 1928 (Chapter 403)
- HB 442**, Extending certain temporary rulemaking authority of the commissioner of labor.  
509, psd 1001, 1046, enr 1231 (Chapter 140)
- HB 446**, Relative to the registration of partnerships and corporations.  
505, am 1632-1634, psd 1681, H conc 1697, enr am 1915, enr 1928 (Chapter 393)
- HB 449**, Relative to disciplinary actions for sexual misconduct of psychotherapists and a duty to report sexual misconduct of psychotherapists.  
673, study 876-877



- HB 454**, Relative to proof of exceptions.  
507, am 962-963, psd 978, H conc 1049, enr 1575 (Chapter 181)
- HB 455**, Relative to criminal mischief.  
672, am 934, psd 958, H conc 1049, enr 1575 (Chapter 182)
- HB 456-FN**, Relative to interference with burial grounds and unlawful possession or sale of gravestones.  
672, psd 961, 978, enr 1086 (Chapter 107)
- HB 458-FN**, Relative to the disposition of fines and forfeitures collected for violations of municipal ordinances, codes, and regulations.  
296, Finance 806-807, psd 1503, 1582, enr 1690, H sustained veto 1953
- HB 462-FN**, To provide New Hampshire Purple Heart recipients with special commemorative license plates.  
671, psd 918-919, 959, enr 1086 (Chapter 108)
- HB 465**, Relative to the protection of employees who report violations of law or refuse to execute illegal directives.  
670, psd 1618, 1681, enr am 1861-1862, enr 1911 (Chapter 386)
- HB 466-FN**, Prohibiting any town or school district from holding an election on the day state elections are held.  
508, LT 1210-1211, IP 1530-1533
- HB 470**, Establishing a department of commerce and establishing an international trade study commission.  
672, K 1618
- HB 474-FN**, Relative to solicitations for charitable purposes.  
505, am 934-936, psd 958, H conc 1567, enr am 1699-1700, enr 1709 (Chapter 260)
- HB 479**, Relative to delaying condominium conversions following certain rental increases.  
**First new title:** Relative to a foster parent ombudsman council.  
**Second new title:** Relative to a foster parents ombudsman council and relative to condominium conversions.  
507, rcmt 838-840, am 1635-1640, psd 1681, H nonconc, conf 1685, new conf 1783, recon & rep adop 1795-1796, 1836, enr am 1905, enr 1912 (Chapter 320)
- HB 480**, Recodifying the county corrections laws.  
509, Com 1062
- HB 482**, Relative to the charter of Wentworth-Douglass Hospital.  
509, psd 828-829, 858, enr am 972, enr 1231 (Chapter 141)
- HB 488**, Relative to the department of revenue administration.  
509, psd 932, 958, enr 1086 (Chapter 109)
- HB 492**, Relative to motor vehicle certificates of origin, joint ownership and fraud.  
**New title:** Relative to motor vehicle certificates of origin, joint ownership, and fraud; and relative to motor vehicle titles and dealer bonds.  
668, am 1031-1035, psd 1047, H conc 1662, enr 1703 (Chapter 263)

- HB 493-FN**, Establishing a committee to study the potential development of a state park in the Kona Wildlife Area in Moultonboro.  
510, K 1110-1112
- HB 497**, Establishing a committee to study granting municipalities the option of setting their own tax rates.  
511, psd 944-945, 959, enr 1086 (Chapter 110)
- HB 500**, To revive the charter of the First Church (Congregational) in Jaffrey.  
510, psd 945, 959, enr 1086 (Chapter 111)
- HB 503**, Relative to regulation of existing weirs.  
506, am 980-982, rules suspended & psd 997, H conc 1049, enr 1086, veto overridden H & S(RC) 1703-1706 (Chapter 192)
- HB 508**, Authorizing transfers within a program appropriation unit of the department of health and human services.  
814, am 1646-1648, psd 1681, H nonconc, conf 1695-1696, rep adop 1818-1819, 1835, enr 1927 (Chapter 413)
- HB 509**, Relative to boat maintenance or repair plates.  
669, psd 1035, 1047, enr am 1580, enr 1691 (Chapter 241)
- HB 515**, Relative to liens in favor of home health care providers.  
505, psd 912, 915, enr 1036 (Chapter 123)
- HB 517**, Relative to assessments for sewer rental charges.  
668, psd 1003, 1046, enr 1230 (Chapter 142)
- HB 518**, Relative to enforcement of the underground utility damage prevention system.  
505, am 805, psd 813, H conc 897, enr 956 (Chapter 72)
- HB 522**, Relative to membership on the state party convention.  
511, psd 828, 858, enr 957 (Chapter 73)
- HB 526-FN**, Establishing a department of safety.  
669, psd 769-770, 812, enr am 973-975, enr 1231 (Chapter 124)
- HB 528**, Instituting a confidential system to protect engineers reporting construction safety violations.  
510, K 1073
- HB 530-FN**, Relative to assisted persons.  
673, am 1062, psd 1088, enr 1709 (Chapter 261)
- HB 532**, Allowing real estate firms or brokers to establish interest-bearing trust accounts.  
669, Com 1585
- HB 540-FN**, Relative to bingo and lucky 7 licenses.  
506, am 1147, psd 1234, H conc 1663, enr am 1859, enr 1910 (Chapter 321)

**HB 541-FN**, Relative to developmentally disabled persons.

511, am 845-846, psd 859, H conc 917, enr am 1577, enr 1656 (Chapter 206)

**HB 542**, Relative to preferred provider agreements.

672, psd 945, 959, enr 1086 (Chapter 112)

**HB 544-FN**, Increasing the limit on the state guarantee of bonds and notes of school districts.

862, psd 1060, 1088, enr 1576 (Chapter 191)

**HB 545**, Establishing a task force on homelessness.

511, am 846-848, psd 859, H conc 917, enr 1036 (Chapter 113)

**HB 547**, Relative to medicaid fraud and patient abuse.

672, am 877-878, psd 893, H conc 916, enr am 1577, enr 1656 (Chapter 207)

**HB 550-FN**, Regulating investment promoters.

672, psd 1073, 1089, enr 1576 (Chapter 183)

**HB 552-FN**, Relative to deputy sheriffs and making an appropriation therefor.

862, Finance 1208, psd 1503, 1582, enr 1691 (Chapter 271)

**HB 554-FN**, To revise municipal tax sale practices.

**New title:** To revise municipal tax sale practices and relative to adding 2 public members to the current use advisory board.

508, am 1619-1631, psd 1681, H nonconc, conf 1685, rep adop 1783-1786, 1835, enr 1911 (Chapter 322)

**HB 555-FN**, Relative to lucky 7 tickets sold by dispenser devices.

672, Finance 852-854, psd 960, 977, enr 1087 (Chapter 114)

**HB 556-FN**, Relative to recording fees.

668, psd 970, 978, enr 1087 (Chapter 115)

**HB 561-FN**, Relative to provision of water supplies to victims of water supply contamination, reimbursement of the oil pollution control fund, and licensing of oil transporters.

510, Com 1097

**HB 562-FN**, Relative to fireworks.

672, LT 1051-1052, am 1671-1672, psd 1682, H conc 1697, enr am 1905, enr 1912 (Chapter 323)

**HB 565-FN**, Relative to off highway recreational vehicles.

507, am 695-696, psd 701, H conc 863, enr 898 (Chapter 56)

**HB 568-FN**, Prohibiting the transportation, production, burial and storage of high-level radioactive material in the state of New Hampshire.

510, K 1606-1609

**HB 570-FN**, Establishing a department of natural resources.

669, K 1587-1588

- HB 571-FN**, Relative to the certification and financial management of life care facilities.  
510, Com 1616-1617
- HB 573-FN**, Establishing a fire standards and training council within the department of postsecondary vocational-technical education.  
669, K 1138-1139
- HB 575-FN**, Relative to certification standards for laboratories.  
862, psd 1029, 1047, enr 1230 (Chapter 143)
- HB 576-FN**, Relative to workers' compensation lump sum payments and state retirement benefits.  
863, Finance waived 1536, psd 1584, enr 1690 (Chapter 242)
- HB 578-FN**, Relative to unemployment compensation.  
670, rcmt 1006, psd 1152, 1232, enr am 1657-1658, enr 1691 (Chapter 243)
- HB 579-FN**, Relative to combining the Peterborough and Jaffrey district courts and providing for the tenure of justices when judicial districts are combined.  
506, am 871-873, psd 892, H conc 1049, enr am 1659, enr 1703 (Chapter 244)
- HB 582-FN**, Providing for regional conferences on highway related problems.  
669, psd 880-881, 893, enr 956 (Chapter 79)
- HB 584-FN**, Relative to the special justice of the Pelham municipal court.  
506, psd 870, 892, enr 956 (Chapter 80)
- HB 586-FN**, Relative to mooring of boats on certain lakes in New Hampshire.  
863, am & Finance 1090-1095, psd 1505, 1582, H conc 1664, enr am 1905-1906, enr 1912 (Chapter 324)
- HB 589-FN**, Relative to adjusted elderly exemptions.  
508, am 1064-1066, psd 1088, H conc 1664, enr 1831 (Chapter 325)
- HB 590-FN**, Relative to fees charged by licensing boards and creating a bureau of professional regulation in the division of public health services.  
669, K 1533
- HB 591-FN**, Relative to the retention of state election ballots.  
509, psd 1138, 1232, enr 1656 (Chapter 208)
- HB 595**, Changing the time and place for holding the first meeting of the county convention.  
511, am 1209-1210, psd 1234, H nonconc, conf 1568, rep adop 1708, 1710, enr 1831 (Chapter 326)
- HB 597-FN**, Relative to the residency requirement for the elderly, expanded elderly, and adjusted elderly property tax exemptions.  
509, am 1211-1212, psd 1234, H conc 1664, enr 1703 (Chapter 245)
- HB 599**, Relative to submetering by master metered utility customers.  
**New title:** Relative to submetering in campgrounds by master meter utility customers.  
510, am 1631-1632, psd 1681, H conc 1697, enr 1831 (Chapter 327)

**HB 600-FN**, Relative to OHRV fees.

672, psd 919, 959, enr am 1085, enr 1575 (Chapter 190)

**HB 605-FN**, Relative to the terms of persons committed to jails or houses of correction in default of payment of fines.

506, psd 871, 892, enr 956 (Chapter 81)

**HB 607-FN**, Increasing the personal needs allowance for recipients of medical assistance residing in nursing homes, shared homes, and community residences, and making an appropriation therefor.

**New title:** Increasing the personal needs allowance for recipients of medical assistance residing in nursing homes, and making an appropriation therefor.

895, am & Finance 1219-1220, psd 1505, 1583, enr 1830 (Chapter 328)

**HB 608-FN**, Relative to pooled risk management programs.

670, am 1067-1072, psd 1089, H conc 1663, enr am 1724, enr 1893 (Chapter 329)

**HB 609-FN**, Relative to the New Hampshire National Guard.

296, psd 807-808, 813, enr am 913-914, enr 1231 (Chapter 144)

**HB 612**, Relating to insurance holding companies.

671, psd 1073, 1089, enr 1576 (Chapter 184)

**HB 613-FN**, Relating to security deposits of insurance companies.

670, am 1072-1073, psd 1089, H conc 1663, enr 1703 (Chapter 246)

**HB 623**, Relative to the practice of physical therapy.

508, am 1592-1594, psd 1680, H conc 1697, enr am 1857, enr 1910 (Chapter 330)

**HB 624**, Relative to survivors' benefits of New Hampshire permanent firemen's retirement system members receiving disability retirement benefits.

814, LT 1067, Finance waived 1566, psd 1584, enr 1691 (Chapter 247)

**HB 626-FN**, Relative to medication specialists.

508, LT(RC) 945-952,(RC) 1036-1045, K 1898

**HB 629-FN**, Relative to the administration and investments of the New Hampshire retirement system.

814, am & Finance 1152-1153, psd 1505, 1583, H nonconc, conf 1685-1686, rep adop 1786-1787, 1835, enr 1910 (Chapter 331)

**HB 630-FN**, Relative to the reduction in benefits for group I members of the New Hampshire retirement system who retire before age 60.

863, Finance 1153-1154, psd 1505-1506, 1583, enr 1690 (Chapter 248)

**HB 632-FN**, Relative to the adoption of capital improvement facility fees.

668, K 1533-1534

**HB 633-FN**, Relative to unlicensed funeral home employees and funeral home inspections.

505, am 999-1000, psd 1046, H conc 1567, enr 1576 (Chapter 185)

**HB 640-FN**, Relative to motor vehicle license and registration fees, license plates and boat registrations.

669, psd 881, 893, enr am 975, enr 1231 (Chapter 151)

- HB 641**, Relative to various motor vehicle laws.  
**New title:** Relative to various motor vehicle laws and to seeing eye dogs.  
669, rcmt 1066, am 1649-1655, psd 1681, H nonconc, conf 1695, rep adop 1787-1792, 1835, enr am 1915-1916, enr 1928 (Chapter 404)
- HB 644**, Relative to zoning exemptions for certain utility structures.  
507, psd 808-809, 813, enr am 914, enr 1231 (Chapter 152)
- HB 650-FN**, Directing the supreme court to establish a guardian ad litem compensation fund.  
**New title:** Directing the supreme court to establish a guardian ad litem compensation fund and relative to retired superior court justices.  
862, am 1158-1159, psd 1233, H conc 1663, enr 1830 (Chapter 332)
- HB 651-FN**, Relative to compensation of district court justices and special justices.  
895, Finance 1527-1528, rules suspended & psd 1554-1555, 1583, enr 1690 (Chapter 272)
- HB 652-FN**, Relative to wine importers, the delivery of wine and a definition of "warehouse".  
862, Com 1152
- HB 654-FN**, Relative to dogs and cats.  
671, psd 899, 915, enr am 1084, enr 1576 (Chapter 186)
- HB 655-FN**, Relative to the testing of livestock in pulling contests.  
671, psd 1056-1057, 1088, enr 1576 (Chapter 187)
- HB 656-FN**, Relative to cruelty to animals.  
671, psd 899, 915, enr 1036 (Chapter 116)
- HB 657-FN**, Relative to the investment of state trust funds.  
509, psd 854-855, 859, enr am 975, enr 1231 (Chapter 153)
- HB 658-FN**, Relative to the nursing scholarship program and private trade schools.  
862, Finance waived 1489, psd 1581, enr 1690 (Chapter 249)
- HB 659-FN**, Relative to payment of court appointed counsel and court costs in certain cases and making an appropriation therefor.  
**New title:** Relative to payment of court appointed guardians and court costs in certain cases and making an appropriation therefor.  
862, Finance 1529, rules suspended 1554, psd 1555, 1584, enr am 1701, enr 1830 (Chapter 333)
- HB 660-FN**, Relative to information services at highway rest areas and appropriating fees for these services.  
894, psd 1118, 1233, enr 1656 (Chapter 209)
- HB 661-FN**, Changing the name of the department of postsecondary vocational-technical education.  
**New title:** Establishing a postsecondary vocational-technical education study committee.  
672, LT 1059, am 1556-1565, psd 1584, H conc 1697, enr am 1858-1859, enr 1910 (Chapter 387)



- HB 662-FN**, Relative to reimbursement of the state for patients rendered services by the secure psychiatric unit.  
508, Finance 855, psd 960-961, 978, enr 1087 (Chapter 117)
- HB 663-FN**, Legalizing action by the city of Franklin in adopting a budget and supplemental budget for an optional fiscal year and authorizing debt during the transition period.  
511, psd 966, 978, enr 1087 (Chapter 118)
- HB 666-FN**, Relative to medical insurance payments for incarcerated persons.  
671, am 1003-1004, psd 1047, H conc 1662, enr 1703 (Chapter 250)
- HB 667-FN**, Directing the legislative facilities committee to conduct a study of salaries for unclassified state employees and making an appropriation therefor.  
702, K 1618-1619
- HB 668-FN**, Relative to the tax exemption for qualifying small power production facilities and qualifying cogeneration facilities.  
510, psd 1063, 1088, enr am 1661, enr 1691 (Chapter 251)
- HB 670-FN**, Relative to review of wood-fired electrical generating plants.  
**New title:** Establishing a committee to study matters relative to biomass energy facilities.  
673, am 840-841, psd 858, H conc 897, enr 956 (Chapter 82)
- HB 671-FN**, Relative to disability benefits for firefighters.  
670, am 1006-1008, psd 1047, H conc 1663, enr 1831 (Chapter 334)
- HB 675-FN**, Relative to workers' compensation liens against uninsured motorists recoveries.  
670, K(RC) 1018-1027
- HB 677-FN**, Relative to a staffing plan for the new central psychiatric facility and a staffing plan for the Glencliff home for the elderly and programs in New Hampshire hospital.  
670, psd 877, 893, enr 956 (Chapter 83)
- HB 679-FN**, Relative to buyers of farm products and distribution of funds to agricultural fairs, and making an appropriation to the secretary of state for a central indexing system for security interests in farm products.  
895, Finance waived 1118-1119, psd 1234, enr am 1657, enr 1691 (Chapter 252)
- HB 682-FN**, Establishing a procedure for enforcing the payment of parking fines.  
670, psd 1066, 1089, enr am 1661-1662, enr 1692 (Chapter 253)
- HB 683-FN**, Relative to state employee benefits.  
896, psd 1139, 1232, enr 1656 (Chapter 213)
- HB 686-FN**, Relative to farm plates.  
669, am 919, psd 959, H conc 1049, enr 1576 (Chapter 188)
- HB 687-FN**, Relative to eligibility for disability payments to injured workers.  
670, Com 1017

**HB 692-FN**, Establishing an involuntary treatment task force.

**New title:** Establishing an involuntary treatment task force and allowing the commissioner of health and human services to transfer certain appropriations.

671, am 952-954, psd 959, H nonconc, conf 1570, rep adop 1819-1821, 1836, enr am 1916, enr 1928 (Chapter 414)

**HB 693-FN**, Relative to determining membership in the New Hampshire retirement system.

894, remt 1017, am 1156-1157, psd 1233, H conc 1663, enr am 1906, enr 1912 (Chapter 335)

**HB 695-FN**, Relative to committal orders for persons found not guilty by reason of insanity.

**New title:** Relative to committal orders for persons found not guilty by reason of insanity and relative to the task force on involuntary treatment.

506, am 1515-1527, psd 1583, H noneone, conf 1686, rep adop 1792-1793, 1835, enr am 1920, enr 1928 (Chapter 405)

**HB 696-FN**, Relative to interest payment calculations under the New Hampshire retirement system and making an appropriation therefor.

894, remt 1017, Finance 1157, psd 1506, 1583, enr 1692 (Chapter 254)

**HB 697-FN**, Relative to the definition of "wages" for workers' compensation purposes.

670, Com 1017-1018

**HB 698-FN**, Requiring accessible polling places and voting booths for physically disabled and elderly persons.

296, psd 1137, 1232, enr 1656 (Chapter 210)

**HB 699-FN**, Establishing a task force to study support services for families with developmentally disabled children.

505, psd 693-694, 701, enr 703 (Chapter 19)

**HB 700-FN**, Permitting group II members who reach age 65 to make an election for retirement benefits.

703, psd 1617, 1681, enr am 1725-1726, enr 1893 (Chapter 336)

**HB 701-FN**, Relative to the fee charged for copies of checklist.

511, am 1206-1207, psd 1234, H conc 1663, enr 1831 (Chapter 337)

**HB 702-FN**, Relative to workers' compensation medical and vocational rehabilitation benefits.

670, am 1005-1006, psd 1047, H conc 1697, enr 1831 (Chapter 388)

**HB 703-FN**, Relative to the board of auctioneers.

508, am 901-902, psd 915, H conc 1662, enr am 1857-1858, enr 1910 (Chapter 274)

**HB 704-FN**, Relative to the safety of facilities gathering, transmitting and distributing petroleum gas.

510, am 1537, psd 1584, H nonconc, conf 1686, K 1899

**HB 706-FN**, Increasing the per diem allowance for county delegation meetings.

511, LT 1212-1215, psd 1667-1669, 1681, enr 1910 (Chapter 338)

- HB 707**, Relative to the implementation of public utility rate schedules under bond.  
510, K(RC) 902-908, recon notice 918, recon rej(RC) 962
- HB 708**, Relative to excess electric generating capacity.  
671, Com(RC) 1595-1606
- HB 709-FN**, Relative to children's interagency dispute resolution.  
505, study 1536-1537
- HB 714-FN**, Relative to assessment of open space land.  
672, Com 961-962
- HB 717**, Relative to membership on planning boards.  
510, psd 1207, 1234, enr am 1656-1657, enr 1692 (Chapter 255)
- HB 718**, Clarifying certain planning and zoning statutes.  
296, am 1205, psd 1234, H conc 1664, enr 1703 (Chapter 256)
- HB 722**, Relative to small loans.  
671, psd 1585, 1680, enr am 1726-1727, enr 1893 (Chapter 389)
- HB 723-FN**, Relative to licensing nondepository first mortgage bankers and brokers and relative to second mortgage home loans.  
669, am 1215-1218, psd 1233, H conc 1662, enr am 1856-1857, enr 1910 (Chapter 339)
- HB 724**, Relative to the transfer of 57 acres of Rye Harbor state park to the department of fish and game for wildlife management.  
673, psd 1103-1104, 1232, enr 1656, H sustained veto 1953
- HB 725-FN**, Relative to the attorney general.  
**First new title:** Relative to the attorney general and relative to the chief medical examiner.  
**Second new title:** Relative to the attorney general, the chief medical examiner, and indigent defendants.  
509, am & Finance waived 1534-1536, psd 1584, H nonconc, conf 1686, rep adop 1793-1795, 1835, enr am 1916-1917, enr 1928 (Chapter 406)
- HB 726**, Relative to the qualifications of the director of human services and establishing certain positions.  
508, psd 846, 859, enr 957 (Chapter 84)
- HB 727**, Relative to the right-to-know law.  
673, am 1641-1644, psd 1681, H nonconc, conf 1695, rep adop 1817-1818, 1835, enr 1913, H sustained veto 1953
- HB 728**, Relative to daylight savings time.  
rules suspended, intro & psd 697-698, 701, enr 703 (Chapter 10)
- HB 729**, Redefining references to the United States Internal Revenue Code for purposes of the business profits tax.  
**New title:** Redefining references to the United States Internal Revenue Code for purposes of the business profits tax and temporarily continuing 2 unclassified positions.  
rules suspended, intro & psd 1894-1897, enr am 1921, enr 1928 (Chapter 407)

- HB 730**, Relative to the North Conway water precinct.  
rules suspended, intro & psd 1938, enr 1953 (Chapter 417)

## HOUSE JOINT RESOLUTION

- HJR 1**, Relative to the New Hampshire agricultural experiment station.  
297, psd 824, 858, enr 957 (Chapter 74)

## HOUSE CONCURRENT RESOLUTIONS

- HCR 3**, Relative to accidents involving nuclear power plants.  
511, am 1015-1016, adop 1047, H conc 1664
- HCR 4**, Relative to a National Housing Partnership Act.  
511, K(RC) 936-942
- HCR 5**, Supporting initiatives at all levels seeking to solve the potentially catastrophic problem of depletion of the earth's ozone layer.  
512, adop 1055-1056, 1088
- HCR 7**, Relative to the priority of employee claims in Chapter 11 bankruptcy proceedings.  
297, adop 851-852, 859
- HCR 9**, Inviting Chief Justice Brock to address a Joint Convention on the state of the Judiciary.  
297, adop 674, 701
- HCR 10**, Adopting joint rules for the 1987-1988 sessions.  
rules suspended, intro & am(RC) 246-254, adop 289, recon rej 290, H conc 512

## CONSTITUTIONAL AMENDMENT CONCURRENT RESOLUTIONS

- CACR 2**, Relating to the term of the governor: Providing that the term shall be 4 years.  
297, K 1590-1591
- CACR 4**, Relating to the amount in controversy required for a jury trial. Providing that the amount shall exceed \$1,500. (Judiciary)  
511, adop 873-875, 893, enr 955
- CACR 10**, Relating to rule making authority of the supreme court. Providing that supreme court rules are effective only when not inconsistent with statute. (Chandler)  
41, K 87

- CACR 11**, Relating to terms of office of senators and the governor. Providing that senators be elected for 6 years and the governor be elected for 4 years. (Chandler)  
41, K 123
- CACR 12**, Relating to meetings of the General Court. Providing that the General Court shall meet biennially and receive mileage for not more than 90 legislative days during the session, but not after the first day of July following the biennial assembly of the Legislature. (Chandler et al)  
42-43, K(RC) 123-128, recon notice 137, recon & K(RC) 325-327
- CACR 13**, Relating to terms of office for judges. Providing that with the exception of supreme court justices, judges shall be appointed to 6 year terms. (Chandler)  
43, K 130-131
- CACR 20**, Relating to size and tenure of senate. Providing that the senate shall consist of 36 members, each elected to a 4 year term. (White et al)  
119, K(RC) 596-599
- CACR 21**, Relating to rulemaking authority. Providing that the general court may delegate regulatory authority to executive branch officials, but such rules may be disapproved by the general court. (Hounsell et al)  
119, adop 584-585, 666, conc H am 1571, enr 1689

**TABLE OF REFERENCE  
FROM CHAPTERS OF 1987 LAWS  
TO BILL NUMBERS**

Chapt. No.	Bill No.	Chapt. No.	Bill No.
1	HB 0048	45	HB 0094
2	HB 0049	46	HB 0099
3	SB 0011	47	HB 0328
4	HB 0023	48	HB 0426
5	HB 0028	49	HB 0431
6	SB 0031	50	SB 0035
7	HB 0089	51	SB 0141
8	HB 0148	52	SB 0143
9	HB 0149	53	SB 0223
10	HB 0728	54	SB 0235
11	SB 0073	55	HB 0275
12	SB 0230	56	HB 0565
13	HB 0055	57	SB 0042
14	HB 0106	58	SB 0066
15	HB 0109	59	HB 0026
16	HB 0162	60	HB 0031
17	HB 0215	61	HB 0038
18	HB 0277	62	HB 0047
19	HB 0699	63	HB 0061
20	SB 0087	64	HB 0113
21	HB 0230	65	HB 0150
22	SB 0057	66	HB 0164
23	SB 0065	67	HB 0170
24	HB 0040	68	HB 0196
25	HB 0110	69	HB 0304
26	HB 0111	70	HB 0377
27	HB 0115	71	HB 0422
28	HB 0118	72	HB 0518
29	HB 0119	73	HB 0522
30	HB 0121	74	HJR 0001
31	HB 0128	75	HB 0060
32	HB 0129	76	HB 0192
33	HB 0130	77	HB 0269
34	HB 0137	78	HB 0371
35	HB 0138	79	HB 0582
36	HB 0139	80	HB 0584
37	HB 0140	81	HB 0605
38	HB 0141	82	HB 0670
39	HB 0147	83	HB 0677
40	HB 0151	84	HB 0726
41	HB 0169	85	SB 0058
42	HB 0172	86	SB 0123
43	HB 0176	87	SB 0218
44	HB 0078	88	SB 0234



Chapt. No.	Bill No.	Chapt. No.	Bill No.
89	HB 0011	140	HB 0442
90	HB 0013	141	HB 0482
91	HB 0029	142	HB 0517
92	HB 0030	143	HB 0575
93	HB 0046	144	HB 0609
94	HB 0050	145	SB 0074
95	HB 0095	146	SB 0105
96	HB 0146	147	HB 0067
97	HB 0160	148	HB 0184
98	HB 0166	149	HB 0391
99	HB 0221	150	HB 0393
100	HB 0227	151	HB 0640
101	HB 0244	152	HB 0644
102	HB 0249	153	HB 0657
103	HB 0266	154	HB 0299
104	HB 0291	155	SB 0043
105	HB 0312	156	SB 0054
106	HB 0316	157	SB 0121
107	HB 0456	158	SB 0158
108	HB 0462	159	SB 0173
109	HB 0488	160	SB 0221
110	HB 0497	161	SB 0217
111	HB 0500	162	HB 0037
112	HB 0542	163	HB 0075
113	HB 0545	164	HB 0088
114	HB 0555	165	HB 0131
115	HB 0556	166	HB 0132
116	HB 0656	167	HB 0134
117	HB 0662	168	HB 0157
118	HB 0663	169	HB 0158
119	SB 0101	170	HB 0173
120	SB 0214	171	HB 0174
121	HB 0043	172	HB 0180
122	HB 0071	173	HB 0208
123	HB 0515	174	HB 0213
124	HB 0526	175	HB 0229
125	SB 0028	176	HB 0248
126	SB 0029	177	HB 0327
127	SB 0092	178	HB 0329
128	SB 0097	179	HB 0383
129	SB 0137	180	HB 0425
130	HB 0073	181	HB 0454
131	HB 0079	182	HB 0455
132	HB 0097	183	HB 0550
133	HB 0114	184	HB 0612
134	HB 0116	185	HB 0633
135	HB 0120	186	HB 0654
136	HB 0135	187	HB 0655
137	HB 0161	188	HB 0686
138	HB 0236	189	HB 0362
139	HB 0303	190	HB 0600

## TABLE OF REFERENCE

2069

Chapt. No.	Bill No.	Chapt. No.	Bill No.
191	HB 0544	242	HB 0576
192	HB 0503	243	HB 0578
193	SB 0133	244	HB 0579
194	SB 0195	245	HB 0597
195	HB 0024	246	HB 0613
196	HB 0066	247	HB 0624
197	HB 0186	248	HB 0630
198	HB 0193	249	HB 0658
199	HB 0204	250	HB 0666
200	HB 0232	251	HB 0668
201	HB 0325	252	HB 0679
202	HB 0339	253	HB 0682
203	HB 0366	254	HB 0696
204	HB 0407	255	HB 0717
205	HB 0438	256	HB 0718
206	HB 0541	257	HB 0163
207	HB 0547	258	HB 0309
208	HB 0591	259	SB 0064
209	HB 0660	260	HB 0474
210	HB 0698	261	HB 0530
211	SB 0099	262	HB 0263
212	SB 0103	263	HB 0492
213	HB 0683	264	SB 0091
214	SB 0056	265	SB 0145
215	SB 0071	266	SB 0187
216	SB 0078	267	HB 0216
217	SB 0080	268	HB 0281
218	SB 0115	269	HB 0284
219	SB 0138	270	HB 0319
220	SB 0172	271	HB 0552
221	SB 0193	272	HB 0651
222	SB 0228	273	HB 0167
223	HB 0062	274	HB 0703
224	HB 0090	275	HB 0018
225	HB 0102	276	HB 0019
226	HB 0117	277	HB 0022
227	HB 0153	278	HB 0036
228	HB 0154	279	HB 0045
229	HB 0155	280	HB 0083
230	HB 0238	281	HB 0091
231	HB 0255	282	HB 0103
232	HB 0273	283	HB 0104
233	HB 0306	284	HB 0105
234	HB 0338	285	HB 0107
235	HB 0347	286	HB 0122
236	HB 0363	287	HB 0124
237	HB 0376	288	HB 0126
238	HB 0402	289	HB 0127
239	HB 0408	290	HB 0136
240	HB 0439	291	HB 0143
241	HB 0509	292	HB 0144

Chapt. No.	Bill No.	Chapt. No.	Bill No.
293	HB 0145	344	SB 0027
294	HB 0152	345	SB 0040
295	HB 0156	346	SB 0041
296	HB 0159	347	SB 0063
297	HB 0168	348	SB 0067
298	SB 0176	349	SB 0069
299	SB 0139	350	SB 0070
300	HB 0171	351	SB 0072
301	HB 0177	352	SB 0075
302	HB 0190	353	SB 0076
303	HB 0220	354	SB 0083
304	HB 0225	355	SB 0086
305	HB 0241	356	SB 0106
306	HB 0260	357	SB 0107
307	HB 0264	358	SB 0125
308	HB 0276	359	SB 0128
309	HB 0326	360	SB 0134
310	HB 0288	361	SB 0155
311	HB 0321	362	SB 0161
312	HB 0348	363	SB 0175
313	HB 0357	364	SB 0180
314	HB 0364	365	SB 0199
315	HB 0367	366	SB 0220
316	HB 0379	367	SB 0232
317	HB 0382	368	SB 0233
318	HB 0421	369	SB 0006
319	HB 0435	370	SB 0051
320	HB 0479	371	SB 0062
321	HB 0540	372	SB 0130
322	HB 0554	373	SB 0148
323	HB 0562	374	SB 0153
324	HB 0586	375	SB 0174
325	HB 0589	376	SB 0178
326	HB 0595	377	SB 0211
327	HB 0599	378	SB 0231
328	HB 0607	379	HB 0123
329	HB 0608	380	HB 0133
330	HB 0623	381	HB 0201
331	HB 0629	382	HB 0224
332	HB 0650	383	HB 0294
333	HB 0659	384	HB 0345
334	HB 0671	385	HB 0420
335	HB 0693	386	HB 0465
336	HB 0700	387	HB 0661
337	HB 0701	388	HB 0702
338	HB 0706	389	HB 0722
339	HB 0723	390	SB 0012
340	SB 0001	391	SB 0094
341	SB 0010	392	SB 0197
342	SB 0021	393	HB 0446
343	SB 0026	394	SB 0200

## TABLE OF REFERENCE

2071

Chapt. No.	Bill No.	Chapt. No.	Bill No.
395	SB 0212	407	HB 0729
396	SB 0219	408	HB 0108
397	SB 0229	409	HB 0165
398	HB 0100	410	HB 0228
399	HB 0200	411	HB 0296
400	HB 0300	412	HB 0142
401	HB 0010	413	HB 0508
402	HB 0355	414	HB 0692
403	HB 0440	415	SB 0090
404	HB 0641	416	SB 0034
405	HB 0695	417	HB 0730
406	HB 0725		





























